

**The Impact of Divorce on Non-Custodial Fathers :
Psychological and Structural Factors Contributing to Disengagement**

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**I declare that this thesis has been completed
by myself and that the work is my own.**

Signed :

for Stephan

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This study concerns a number of divorced fathers who generously agreed to be interviewed about their experience of divorce and the often very painful changes in their relationship with their children. I remain indebted to them for their searching and honest responses, which provided an exceptionally rich source of data. Their hope that their participation would lead to improvements in divorce procedures which would spare others some of the difficulties they experienced has been a constant source of inspiration in the final stages of the study.

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ABSTRACT OF THESIS (Regulation 7.9)

The purpose of this study is to provide clinicians and policy-makers with an empirical grounding of their understanding of the impact of divorce on non-custodial fathers and their disengagement from their children, as a contribution to reducing the lacuna in the divorce research literature. It is argued that the complexity of the issue of disengagement is best explained as an interaction between psychological factors and structural phenomena; theories of attachment and loss are employed in the analysis of the psychological, and theories of gender and social inequality of the sociological side of the interface.

The study incorporates a comparative design on two levels: a cross-national comparison of patterns and experiences of non-custodial fathers in Scotland and Ontario; and a comparison of the characteristics and experiences of non-custodial fathers remaining in contact with their children with those who have become disengaged. A total of 80 fathers were interviewed; quantitative analysis of the data has been supplemented by qualitative interpretation, and presented as a descriptive and analytical account of fathers' presentations of their experiences.

The study reveals four major findings: (1) the dominant response of non-custodial fathers subsequent to divorce is one of bereavement, linked primarily to their experience of child absence, role loss, and the constraints of the new "visiting" relationship with their children; (2) fathers desire to maintain a meaningful post-divorce relationship with their children, involving at least partial physical custody; they attribute the discouragement and fundamentally adversarial approach of solicitors and the legal system as primarily responsible for their failure to obtain such an arrangement; (3) there is a striking discontinuity between pre- and post-divorce father-child relationships: rather than post-divorce patterns reflecting the pre-divorce bond, there appears to be a strong inverse relationship between the two; (4) in relation to the aetiology of disengagement, non-custodial fathers' loss of contact with their children is a result of a combination of structural constraints and fathers' own psychological response to the loss of the pre-divorce father-child relationship. While divorce represents a loss which deprives fathers of both an attachment figure and a role or identity, in some instances resulting in chronic grief, it also represents a situation where fathers are powerfully disadvantaged with respect to external mediating factors.

The study adopts a critical perspective in relation to legal appropriation of the custody and access decision-making process, revealing fundamental deficiencies both in prevailing modes of custody and access determination and traditional post-divorce family structures. It is argued that existing legal processes penalise those fathers adopting an "androgynous" orientation toward gender role division in the family while not significantly affecting "traditional" fathers previously on the periphery of their children's lives. In supporting the universal availability of conciliation services, it is suggested that conciliators assume a stronger educative stance vis-a-vis expanding the range of options available to divorcing families; in considering joint custody as a preferred arrangement, it is suggested that the concept be redefined to include a sharing of physical care and control of children, as the maintenance of a meaningful post-divorce relationship between both parents and their children has been associated with positive outcome for all family members.

LIST OF CONTENTS

	page
Acknowledgments	i
Abstract	ii
List of Contents	iii
List of Tables	v
List of Figures	vii
CHAPTER 1 Introduction	
1. Statement of the Problem	1
2. Focus of the Study	5
CHAPTER 2 Methodology	
1. Scope of the Study	10
2. Research Design	13
3. Limitations of the Study	29
4. Demographic Characteristics : A Description of the Sample	32
CHAPTER 3 The Impact of Divorce on Non-custodial Fathers	
1. Fatherhood and Divorce	39
2. Characteristics of Non-custodial Fathers Before, During and After Divorce	71
3. The Non-custodial Father-child Relationship : Grief Reaction of Non-custodial Fathers	86
4. Child Absence, Role Loss and the "Visiting" Relationship	93
CHAPTER 4 Socio-legal Context of Divorced Fatherhood	
1. Socio-legal Context of Divorce and the Father-child Relationship	104
2. Fathers' Experiences with Solicitors and the Legal System	117
CHAPTER 5 Discontinuity Between Pre- and Post-divorce Father-child Relationships: Contact and Disengaged Fathers Compared	
1. Pre- and Post-divorce Father-child Relationships	144
2. Contact and Disengaged Fathers Compared	150
3. Characteristics of Contact Fathers	167
4. Characteristics of Disengaged Fathers	171

CHAPTER 6	Psychological and Structural Factors Contributing to Disengagement	
	1. Aetiology of Disengagement	173
	2. Structural Factors	177
	3. Psychological Responses to Loss	196
	4. Cross-national Comparison	208
CHAPTER 7	Therapeutic and Policy Implications	
	1. Post-divorce Child Custody and Access Arrangements	210
	2. Modes of Custody and Access Determination	223
	3. Therapeutic Implications : Divorced Fathers and Families	240
	4. General Policy Implications	251
CHAPTER 8	Summary and Conclusions	
	1. Summary of Major Findings	256
	2. List of Specific Recommendations	261
	3. Suggestions for Further Research	265
	4. Conclusion	268
APPENDIX 1	Initial Telephone Contact : Scottish Sample	273
	2 Initial Telephone Contact : Ontario Sample	276
	3 Questionnaire	279
BIBLIOGRAPHY		300

LIST OF TABLES

	page
2.1 Sampling Sources - Scotland	17
2.2 Telephone Recruitment - Ontario (1)	20
2.3 Telephone Recruitment - Ontario (2)	21
2.4 Telephone Recruitment - Ontario (3)	21
2.5 Interview Time Frame - Scotland	22
2.6 Occupational Class Distribution	33
2.7 Occupational Class Distribution in Scotland and Ontario	34
2.8 Age Distribution	34
2.9 Length of Marriage Distribution	35
2.10 Year of Separation Distribution	35
2.11 Length of Separation Distribution	36
2.12 Older Child : Gender Distribution	37
2.13 Younger Child : Gender Disbribution	37
2.14 Older Child : Age Distribution	37
2.15 Younger Child : Age Distribution	37
2.16 Older Child : Age at Separation	38
2.17 Younger Child : Age at Separation	38
 3.1 Infant Care Tasks	 73
3.2 Weekly Contact with Children in the Year Before Divorce	75
3.3 Reported Emotional Attachment to Children During Marriage	75
3.4 Attachment Indices	76
3.5 Role Satisfactions During Marriage	76
3.6 Perceived Paternal Influence on Children Before Divorce	77
3.7 Fathers' Ideologies Regarding Gender Role Division Within the Family	78
3.8 Reasons for Divorce	80
3.9 Custody Disagreement by Initiator of Divorce	82
3.10 Access Disagreement by Initiator of Divorce	82
3.11 Desired Level of Child Contact After Divorce	83
3.12 Desired Level of Child Contact After Divorce by Initiator of Divorce	84
3.13 Wives' Encouragement of Father-child Contact After Divorce by Initiator of Divorce	84
3.14 Desired Level of Child Contact by Wives' Encouragement of Father-child Contact After Divorce	85
3.15 List of Negative Aspects of Post-divorce Father- child Relationship	92
3.16 List of Positive Aspects of Post-divorce Father- child Relationship	93
3.17 Child Absence Effects	94
3.18 Father Absence Effects	95
3.19 Perceived Paternal Influence on Children After Divorce	98
3.20 Perceived Change in Paternal Influence (Before and After Divorce)	99

3.21	"Visiting" Effects on Fathers	101
3.22	"Visiting" Effects on Children	102
4.1	Reasons for Dissatisfaction with Legal Maternal Custody Arrangement	120
4.2	Legal Access Arrangements	122
4.3	Reasons for Dissatisfaction with Legal Access Arrangement	124
4.4	Perceived Negative Effects of Solicitors on Father- child Relationship	125
4.5	Perceived Problems of Judicial Resolution of Child Custody and Access	128
4.6	Solicitors' Methods of Discouraging (Paternal or Joint) Custody	136
4.7	Contested Custody by Solicitors' Encouragement of (Paternal or Joint) Custody	139
4.8	Major Issues Identified by Fathers Regarding Divorce	142
5.1	Paternal Contact by Fathers' Ideologies Regarding Gender Role Division Within the Family	149
5.2	Paternal Contact by Reasons for Dissatisfaction with Legal Maternal Custody Arrangement	152
5.3	Paternal Contact by Legal Access Arrangement	153
5.4	Paternal Contact by Reasons for Dissatisfaction with Legal Access Arrangement	154
5.5	Paternal Contact by Wives' Methods of Discouraging Father-child Contact After Divorce	157
5.6	Paternal Contact by Child Absence Effects	159
5.7	Paternal Contact by Negative Effects of Child Absence	160
5.8	Paternal Contact by Perceived Change in Paternal Influence (Before and After Divorce)	161
5.9	Paternal Contact by "Visiting" Effects on Fathers	162
5.10	Paternal Contact by Perceived Effects of Divorce on Children (During Divorce)	163
5.11	Paternal Contact by Father Absence Effects	163
5.12	Paternal Contact by "Visiting" Effects on Children	164
6.1	Reasons for Disengagement	174
6.2	Paternal Contact by Desired Level of Child Contact After Divorce	178

LIST OF FIGURES

	page
3.1 Issues of Disagreement between Spouses at Time of Divorce	81
4.1 Mode of Custody Determination	119
4.2 Mode of Access Determination	123
4.3 Solicitors' Advice Regarding (Paternal or Joint) Custody	134
4.4 Solicitors' Encouragement of (Paternal or Joint) Custody	135
4.5 Solicitors' Advice Regarding Paternal Access	138
4.6 Solicitors' Encouragement of Paternal Access	138
5.1 Discontinuity between Pre- and Post-divorce Father-child Relationships	166
6.1 Impact of Legal Process on Withheld Access	188

CHAPTER 1

Introduction

The purpose of this study is to carry out an empirical investigation of non-custodial divorced fathers, as a contribution to reducing the existing lacuna in the divorce research literature and providing an empirical grounding toward a better understanding of this group. The primary focus is fathers' relationship with their children before, during, and after divorce. The study proceeds from the point of view of non-custodial fathers themselves: fathers' perceptions in and of themselves are considered to represent much-needed and important data. This chapter provides a statement of the problem and issues guiding the development of the study, and introduces the dual focus of the thesis: the impact of divorce on non-custodial fathers and the disengagement of non-custodial fathers from the lives of their children.

1. Statement of the Problem

The dramatic increase in the rate of divorce in Britain and North America during the past quarter-century has shifted research interest, clinical practice, and social policy attention to a newly-emerged population considered to be "at-risk": parents and children affected by marital divorce. The ever-expanding divorce literature, a vast array of human service organisations, and legal and policy-making bodies have clearly identified divorce as a major social phenomenon and mental health issue.

At the same time, as the proportion of women in paid employment has significantly increased, so patterns of paternal behaviour have been in flux; as it is increasingly possible for women to select parenting as one of many career alternatives, so one may encounter fathers who are actively involved in child care functions, others who are not but would like to be, and still others who define themselves in a traditional, patriarchal manner. An "emergent trend" of fatherhood has been identified, which has generated much discussion and controversy in the literature. Whether a widespread shift toward androgeny is occurring, however, is not the crucial issue here; more significant is the existence of a wide heterogeneity of "fathering" roles in modern Western society.

The present study stands at the interface of current divorce and fatherhood research, engaging in a variety of debates within both research traditions in attempting to refine current conceptualisations of divorced fatherhood. It has developed primarily from the author's practice experience as a social worker in

child welfare and education settings in Ontario, specialising in work with children and families in the midst of or having experienced the divorce process. A central concern of this practice was the identification of critical mediating factors affecting the outcome of divorce, particularly for children. The quantity and quality of non-custodial parent-child interaction came to be recognised as one such factor; in particular, the absence of the non-custodial father often seemed to be associated with many of the difficulties that children referred for service were experiencing. Attempts to engage non-custodial fathers in counselling and family therapy, while initially problematic, often became productive when sustained, and a dramatically different image emerged of these fathers than had been expected, exposing a lack of awareness on the part of the clinicians involved of a stereotype of fathers largely removed from and disinterested in their children, and not significantly distressed after divorce. Without the benefit of clinical or research literature to demonstrate otherwise, this stereotype had been left unchallenged. The present study represents an effort to identify and integrate the missing elements in the literature on divorced fatherhood; ultimately, it seeks to challenge prevailing stereotypes and assumptions about fathers who do not have custody of their children.

Present state of knowledge. Investigators have begun to systematically examine the impact of divorce upon family members; the majority have been concerned with the experiences of custodial parents and their children. The majority of empirical accounts have highlighted the sustained negative effects of divorce on the well-being of family members, although some recent studies have begun to highlight positive outcomes. Research focused on the impact of divorce on children has shown that the two most important factors associated with positive post-divorce adjustment in children are a consistent and ongoing relationship with both parents (the frequency of children's contact with their non-custodial parent is crucial in this regard), and the parents' ability to co-operate in their continuing parenting roles (which rests on their ability to reduce conflict and separate their previous marital conflict from their ongoing parental responsibilities) (Moreland and Schwebel, 1981; Wallerstein and Kelly, 1980; Hetherington et al.1978). Divorce outcome studies have demonstrated that in the majority of cases it is crucial to children's post-divorce adjustment that both parents recognise their continued roles in their children's lives and co-operate in these roles. Hetherington et al (1976) have suggested that a stable post-divorce non-custodial father-child relationship may be the critical factor in the post-divorce adjustment of all family members.

Current fatherhood research has demonstrated that despite varying levels of actual child care involvement, fathers' emotional investment in their children

prevails over other aspects of their lives (Cohen, 1987), and that fathers' attachment bonds with their children can no longer be regarded as secondary (Lamb, 1976). In light of such evidence pertaining to the father role before divorce, it would appear likely that fathers experience significant emotional hardship at the time of divorce and after. For fathers in general, divorce presents a role strain not comparable to that of mothers: the possible loss of one's children. A father's attachment to and involvement with his children earns approval while he is married, and while these feelings of attachment do not cease upon divorce, his ongoing involvement with his children is largely considered inappropriate, as reflected in the limitations and constraints of traditional custody and access arrangements (Green, 1976). Sole maternal custody remains the dominant post-divorce arrangement for families, with mothers being the custodial parent in 80-90% of all cases in Britain and North America (Lund, 1987; Bala, 1987).

The stability of continued and frequent contact rarely occurs between fathers and their children after divorce. The gradual disengagement of non-custodial fathers from active participation in the lives of their children is well documented; recent studies in both Britain and North America have found that 50-60% of fathers and children of divorce had no contact with each other in the previous year. In a nationally representative sample of U.S. children aged 11 to 16, Furstenberg et al (1983) found that for 52%, the last contact with their fathers had been one or more years prior; only one-third averaged monthly or more contact. More than twice as many children had no contact with their fathers in the preceding five years as had visited them once a week or more (36% versus 16%). Studies in Britain have obtained similar results: 50% of divorced fathers in Britain have less than yearly contact with their children (Lund, 1987).

The process of a father's disengagement from his children typically begins soon after the marital separation and gradually increases over time, most sharply at about 12 months after separation (Hetherington et al. 1987); between 25-30% of children lose contact very soon after the separation (Mitchell, 1986). The non-custodial father thus becomes the "missing" father; the "absent father" is a common phenomenon, both physically and economically.

Gaps in present knowledge. Although divorce itself has come to be recognised as an important topic for empirical study, and researchers as well as clinicians are increasingly concerned with the antecedents, process and consequents of divorce, the experience of the non-custodial divorced father remains largely ignored as a legitimate topic for study in and of itself. The lack of empirically-grounded and systematic data is striking in light of the fact that for every custodial mother or

child from a divorced family who is studied, there is a non-custodial father potentially available for investigation as well. Existing studies on divorced fathers have tended to either focus on the phenomenon of **custodial** single fathers, or else fail to distinguish between different types of non-custodial fathers, such as those who remain in contact and those who become disengaged from their children's lives.

The reasons for this neglect are varied and reflect a number of stereotypical assumptions, held by both the lay and professional communities. While the concept of the non-custodial divorced father is familiar and easily accessible to most (a reflection of the commonness of the new family structures that divorce creates), it is often conceptualised in a particular way, with a negative connotation. The phenomena of fathers not meeting financial child support obligations and the increasing incidence of "child-snatching" and domestic violence, while receiving public recognition and judicial scrutiny as important social problems of our day, nevertheless tend to characterise non-custodial divorced fathers as negligent, often violent, enjoying their freedom from responsibility after divorce, and as inferior caretakers of their children (Roman and Haddad, 1978).

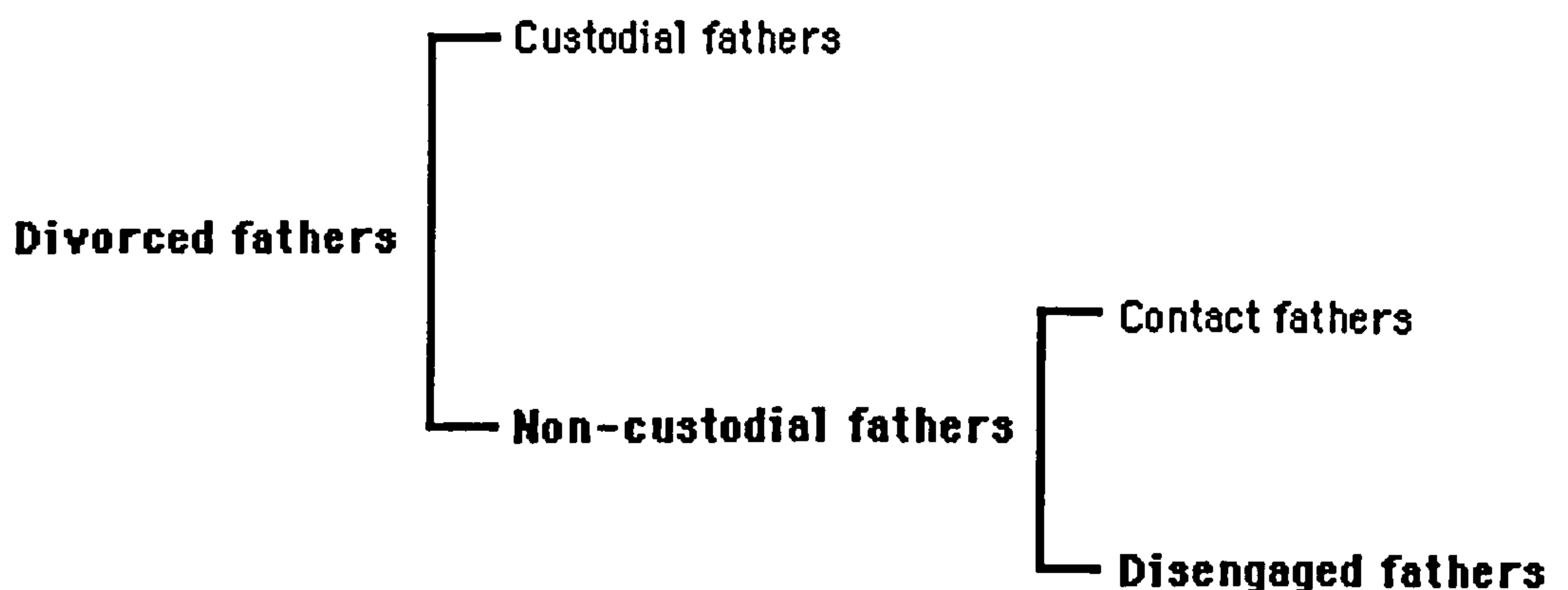
The fact that the great majority of custodial parents are female and that traditional sex-role stereotypes of "motherhood" and "fatherhood" persist, has contributed to the belief that marital disruption is more stressful for women than for men (Bloom, Asher and White, 1978), resulting in custodial mothers being more likely than non-custodial fathers to receive attention and support after divorce. The practical problems of custodial mothers, such as finances, employment, child care and social isolation are more visible, while the needs of divorced fathers may be less conspicuous. Fathers are regarded as less central in the post-divorce family and may therefore be safely ignored.

While non-custodial fathers as a group have been largely under-represented in research endeavours, virtually absent within the professional literature is any detailed analysis of **disengaged** non-custodial fathers--that sizeable group of fathers who have **no** contact with their children after divorce. As stereotypes abound in regard to the non-custodial father, the disengaged father is usually assumed to have been minimally involved with and attached to his children, and to be lacking interest in or a sense of responsibility for their lives. In the absence of any empirical information derived from systematic research, our conceptualisation of both non-custodial and disengaged fathers is based almost entirely on common-sense stereotypes; such stereotypes appear to have infiltrated both public thinking and the current divorce literature.

2. Focus of the Study

This is a study of the father-child relationship before, during, and after divorce. Definitions of "divorce", however, are ambiguous and the term has been inconsistently applied in the literature; Bohannan (1970), for example, referred to six different possibilities: the emotional divorce, the legal divorce, the economic divorce, the co-parental divorce, the community divorce, and the psychic divorce. It is assumed here that the point of parental separation or **physical divorce** is the salient event in the divorce process; in this study, "divorce" is meant to refer to the time of **final parental separation**. As several studies have shown, the legal divorce itself does not bring about many significant changes in the lives of parents and children; although the results of divorce actions legalise and specify post-divorce arrangements, it is the physical divorce (final parental separation), which may lead to a legal divorce action, that marks the most crucial and radical shift in parents' and children's lives (Foote, 1981).

The term "divorced father" also, we would suggest, may be misleading. In light of evidence of a heterogeneity of patterns of fatherhood within two-parent families (see Chapter 3.1), divorced fathers should not be assumed to constitute a homogeneous group, as they are portrayed in much of the existing research. The study seeks to sharpen the present focus on the "divorced father" by concerning itself with the **non-custodial** divorced father and, more specifically, with the **disengaged non-custodial divorced father**:



Our research aim is to learn as much as possible, within given constraints of time and cost, about the ways in which non-custodial fathers as a group experience divorce, and about the distinguishing characteristics both of fathers who remain in

contact and those who become disengaged from their children. Our primary objectives are two-fold:

- 1. to investigate the impact of divorce on non-custodial fathers, by empirically and systematically examining the pre- and post-divorce experiences of these men; and*
- 2. to examine why a substantial proportion of non-custodial fathers disengage from their children's lives after divorce, by comparing the pre- and post-divorce experiences of fathers who remain in contact with their children following divorce with those who have become disengaged.*

While existing studies have tended to concentrate on parent-child relationships either within the two-parent family structure or subsequent to divorce, the present study explores changes in the nature of the father-child relationship over three distinct periods: before, during, and after divorce.

The Impact of divorce on non-custodial fathers. The first major issue for investigation is that of the impact of divorce on fathers without custody of their children. Our inquiry will be both descriptive, concerned with the characteristics of this group, their relationship with their children before, during and after the process of divorce, and various aspects of fathers' adaptations to the consequences of divorce; and analytical, addressing the question of how non-custodial fathers reach this status, why it is that divorced fathers tend not to legally contest the issue of custody, and why it is that most divorced fathers do not assume *de facto* custody (care and control) of their children upon divorce:

-What are some of the characteristics of the non-custodial father-child relationship before divorce; i.e., level of fathers' participation and involvement in child care and child rearing functions, level of emotional attachment between fathers and children, and level of fathers' actual influence in various areas of their children's lives?

-What are the characteristics of the non-custodial father-child relationship during the process of divorce?

-Do divorced fathers want custody of their children after divorce, and do they consider this to be a viable post-divorce option?

-What are the characteristics of the non-custodial father-child relationship after divorce?

-From non-custodial fathers' own perspective, what factors contribute to positive post-divorce outcomes?

-From fathers' perspective, what factors contribute to negative post-divorce outcomes?

Non-custodial fathers' disengagement. A second focus of investigation is the issue of non-custodial fathers' disengagement from their children after divorce, to be examined by means of a comparison of those non-custodial fathers who have lost contact with those who have maintained regular contact with their children. Again, our inquiry will be both descriptive, concerned with the characteristics of both "disengaged" and "contact" fathers, their relationship with their children before, during and after the process of divorce, and various aspects of fathers' adaptation to the consequences of divorce; and analytical, seeking to determine how and why such a large proportion of non-custodial fathers disengage from the lives of their children, and the nature of the barriers, internal and external, that prevent them from actively parenting after divorce:

-What are some of the characteristics of the "contact" versus "disengaged" father-child relationship before divorce; i.e., fathers' participation and involvement in child care and child rearing functions, level of emotional attachment between fathers and children, and fathers' actual influence in various areas of their children's lives?

-What are some of the characteristics of the "contact" versus "disengaged" father-child relationship during the process of divorce?

-Do disengaged fathers want contact with their children after divorce?

-What are the characteristics of the "contact" versus "disengaged" father-child relationship after divorce?

-What factors contribute to non-custodial fathers maintaining contact with their children after divorce?

-What factors contribute to the disengagement of non-custodial fathers after divorce?

Study design. The study was operationalised by means of a comparative research design on two levels:

- 1. comparing equal populations of "contact" and "disengaged" non-custodial fathers; and*
- 2. a cross-national comparison, surveying equal populations of non-custodial fathers from Scotland and Ontario.*

The study utilised a quantitative and qualitative analysis of interviews conducted with a sample of 80 non-custodial fathers. Various aspects of the divorce experience of these fathers and the father-child relationship before, during, and

after divorce were explored, as reflected in the eight sections of the interview schedule:

1. *demographic characteristics of the pre- and post-divorce family;*
2. *the pre-divorce father-child relationship;*
3. *various aspects of the divorce experience;*
4. *legal aspects;*
5. *various aspects of the post-divorce experience;*
6. *physical and mental health effects;*
7. *change in the "father" role before and after divorce; and*
8. *general issues affecting non-custodial fathers.*

Divorced mothers and other family members were not interviewed; data was obtained exclusively from the perspective of non-custodial fathers.

Significance of the study. Through a systematic examination of the characteristics of non-custodial fathers generally and disengaged fathers specifically, and their relationship with their children before, during, and after divorce, our understanding of these fathers and how the process of divorce impacts on them as a group can be based on more rigorously-gathered empirical information than it does at present. This empirical information should be of particular value to clinicians, policy-makers, and the divorce research community:

1. *In the therapeutic realm, an increasing proportion of clinical caseloads involve parents and/or children presenting at various stages of the divorce process: during the deterioration of the marital relationship, the decision to divorce, the period prior to the legal divorce and the negotiation over the terms of the legal divorce, the legal divorce, and the post-divorce period, including remarriage and step-family formation. Clinicians need more specific empirical data on non-custodial fathers so that their therapeutic interventions can be relevant both to divorcing families and to the particular changes, issues, and problems faced by divorced fathers as clientele.*

2. *In the realm of social policy, as major structural changes within the family have occurred in recent decades, primarily the influx of married women into the paid labour force and the more recent trend of increased interest on the part of men in familial roles, as traditional sole custody and limited access arrangements are increasingly perceived as inadequate, and as traditional methods of child custody and access dispute resolution are called into question, the implications for policy reformulation may well be considerable. Family policy-makers need more specific empirical data on non-custodial fathers to inform any considerations of future policy revision.*

3. *In the research realm, the paucity of systematic empirical data on divorced fathers generally and the complete absence of such data on the disengagement of non-custodial fathers is glaring. This study seeks to contribute to reducing the lacuna currently found in the divorce literature and enhance the research community's theoretical understanding of the dynamics of divorce for this particular population.*

Thus the present study is intended not only to provide specific empirical data for clinicians and policy-makers, but to generate possibilities for further research and to begin to ground our societal conceptualisation of a population which is, paradoxically, familiar but neglected--and likely much misunderstood. As the recent surge of research interest in fatherhood in two-parent families has scrutinised and challenged assumptions and conventional wisdom about the paternal role, so it is hoped that a systematic and in-depth empirical investigation of the impact of divorce on non-custodial fathers and their disengagement from the lives of their children will serve to critically examine prevailing myths and stereotypes, leading to a clearer empirical grounding of existing conceptualisations.

CHAPTER 2

Methodology

The present chapter outlines the scope of the study, including a description of the comparative model and definition of key variables; the research design, including a description of the sample, sampling procedure, instrumentation and data analysis; the limitations of the study; and a description of the major demographic characteristics of the sample, including age, occupation, sex and age of children, length of marriage, and length of separation.

1. Scope of the Study

This study has primarily employed the survey method using a combined fixed-choice and open-ended item questionnaire administered in the context of a personal interview, with a total sample of 80 non-custodial divorced fathers, 40 resident in Scotland and 40 in Ontario, half of whom had ongoing and regular contact with their children and half of whom were "disengaged" with no contact. The data generated have been gathered, analysed and presented as a descriptive and analytic account of fathers' presentations of their pre- and post-divorce experiences.

As mentioned earlier, the study follows a comparative design on two levels:

1. "Contact" versus "disengaged" fathers. *Contrasting the differential experiences and responses of fathers who maintain contact with their children following divorce with those who become disengaged is essential in enabling us to develop a theoretical understanding about the phenomenon of disengagement. In this context we are concerned with de facto, and not necessarily legally ratified, custody and access arrangements. Whether and how these two groups differ in reference to a number of variables will be explored in detail; an examination of various aspects of the marital and parental experience of "contact" versus "disengaged" fathers, as well as the experience of the process of separation and divorce for each group, may reveal significant differences, allowing for the identification of key factors which determine the nature of the father-child relationship after divorce.*

2. Geographical comparison. *Two sampling areas--Scotland (Edinburgh) and Ontario (Metropolitan Toronto)--were utilised to allow a comparison of the experiences and responses of non-custodial fathers in two distinct geographical locales, which differ in a number of respects yet are enough alike to allow comparison and the use of an identical instrument for obtaining data. Such a cross-national comparison will enable us to draw conclusions about non-custodial and disengaged fathers with greater confidence (if similarities emerge) than would a study restricted to a single*

locale; if significant differences emerge, this too will serve to further our understanding of these fathers.

Our final sample is thus divided as follows:

Scotland : 40 fathers

- 20 "contact"

- 20 "disengaged"

Ontario : 40 fathers

- 20 "contact"

- 20 "disengaged"

There is a continuing need for current Scottish and Canadian data on divorce trends, as the paucity of empirical information is perhaps more pronounced in these jurisdictions: Scottish data is often subsumed under studies of trends in Great Britain as a whole, and Canadian patterns are often assumed to correspond to U.S. data. The socio-legal context of divorce in Scotland and Ontario differs in a number of important respects to that of Britain and North America respectively; the two jurisdictions thus merit separate consideration in divorce research.

Family and divorce trends in Scotland and Ontario differ in regard to a number of critical variables relevant to the focus of the present study. With respect to two-parent family structures, a notable difference is that of patterns of maternal employment, particularly in the case of couples with dependent children: a significantly higher proportion of mothers with young children return to full-time employment in Ontario, while the pattern of mothers remaining at home or working part-time is prevalent in Scotland. While Ontario follows the Canadian average of 25% of mothers with pre-school children employed outside the home on a full-time basis (Horna and Lupri, 1987), the corresponding rate in Scotland (as in Britain as a whole) is less than 7% (Martin and Roberts, 1984). As full-time maternal employment has been associated with increased levels of paternal participation in child care and child rearing functions within the family (see Chapter 3.1), a comparison between the two populations may be particularly revealing. These divergent patterns may have a "spill-over" effect upon divorce, insofar as full-time maternal employment and greater sharing of child care tasks within families may or may not translate to the post-divorce situation.

There appears to be greater public awareness of alternatives to traditional domestic and child care arrangements within families in Ontario, with the phenomena of the "dual-career family" and the "emergent trend" of fatherhood being widely reported in the media. Greater public awareness of alternative two-parent family patterns and structures extends to post-divorce patterns; alternatives to traditional custody and access arrangements again appear to be more widely reported

in Ontario. The option of joint custody, for example, is not recognised in Scottish legal practice, as reflected in the complete absence of such determinations (even when this is agreed between parents); it appears, however, to be beginning to emerge as an option in Ontario.

Despite the apparently higher public awareness of parenting alternatives in Ontario, the actual rate of cases of contested maternal custody is not significantly higher than in Scotland. In both jurisdictions, sole maternal custody remains the norm and legal joint custody determinations are rare. Between 80-90% of divorced fathers are non-custodial fathers, maternal custody remains the outcome in the vast majority (85-90%) of legally contested cases of custody, and the level of non-custodial fathers' disengagement from their children is similar in both locales. A comparative study design will allow for an analysis distinguishing between broader structural causes of divorced fathers' "non-custodial" status and their eventual disengagement from their children, and those which are specific to a particular jurisdiction.

Definition of Variables. In our examination of non-custodial and disengaged fathers, a number of key variables have been identified and will remain central to further discussion. For the purposes of the present study, these are defined as follows:

- *The father* - refers to the male parent of a child (or children), either the child's natural parent or a parent by virtue of legal adoption
- *The mother* - refers to the female parent of a child (or children), either the child's natural parent or a parent by virtue of legal adoption
- *The child(ren)* - refers to dependent children under the age of 16 at the time of the divorce, under the physical care and control of both the father and the mother (as defined above) before divorce
- *The marriage* - refers to the legal status of marriage, with both partners physically residing together before divorce (and excludes co-habitation without legal marital status)
- *The divorce* - refers to the point of the most recent physical parental separation and not the point of the final divorce decree; references to "divorce" thus describe the changes following marital breakdown and dissolution, considered as one interrelated process. (Thus, the "divorced" fathers (and mothers) in the present study may or may not be "legally divorced", but are divorced in the sense of having experienced at least one physical separation from their ex-spouses and living apart from their ex-spouses at the time of the interview)
- *Custody* - refers to de facto, as opposed to legal, physical care and control of the child(ren) after divorce, unless otherwise stated (i.e. legal custody, sole maternal custody)

- **Access** - refers to de facto visitation arrangements after divorce, which may or may not have been legally ratified
- **Remarriage** - refers to the legal status of remarriage, with the father and new partner physically residing together at the time of the interview (and excludes co-habitation without legal marital status)
- **Pre-divorce** - refers to the time period prior to the first physical parental separation, with both parents and child(ren) physically residing together
- **During divorce/divorce period** - refers to the time period between the first physical parental separation and six months after the most recent physical parental separation. (In cases where only one separation took place, this refers to the period between the separation and six months after that time)
- **Post-divorce** - refers to the time after the most recent physical parental separation
- **Non-custodial father** - refers to the de facto post-divorce status of the father vis-a-vis his children, whereby physical care and control of the children after divorce is assumed by the mother. Where specified, this may also refer to the legal post-divorce status of the father vis-a-vis his children
- **Custodial mother** - refers to the de facto post-divorce status of the mother vis-a-vis her children, whereby physical care and control of the children after divorce is assumed by the mother. Where specified, this may also refer to the legal post-divorce status of the mother vis-a-vis her children
- **Contact father** - refers to the non-custodial divorced father who has had at least one direct physical contact with his child(ren) in the month prior to the time of the interview, and who has had sustained contact during at least the three months prior to the time of the interview
- **Disengaged father** - refers to the non-custodial divorced father who has had no direct physical contact with his child(ren) in the month prior to the time of the interview, and who has not had sustained contact during at least the three months prior to the time of the interview.

2. Research Design

The Sample. The population consisted of 80 non-custodial divorced fathers of 128 children, with 40 fathers remaining in contact with their children and 40 disengaged, and 40 residing in Scotland and 40 in Ontario at the time of the interview.

The final sample was determined according to a number of eligibility criteria established to control for excessive variation and to allow for comparison with pre-

existing studies of divorce, yet at the same time to reflect the actual heterogeneity of the non-custodial divorced father population. The research literature has clearly demonstrated that the divorced cannot be considered as a homogeneous group and has documented a number of demographic characteristics which influence the nature of divorced parents' post-divorce experiences, including socio-economic status, ages of parents and children, and length of time elapsed since the divorce. Thus an attempt was made to obtain a sample of non-custodial fathers whose characteristics varied in these respects, to span the range of the non-custodial father population. By obtaining a sample of fathers who differed in regard to a number of demographic characteristics, yet controlling for other variables, it was possible to examine how certain key factors might distinguish different post-divorce patterns.

Five criteria for non-custodial fathers' participation in the project were established at the outset:

1. *Separated between 1980 and 1986 inclusive (father continuously separated from his wife for at least 3 months and up to 6 years at the time of the interview) - to allow for a cross-section of divorced fathers at different stages after divorce, yet to restrict time elapsed to minimise effects of retrospection*
2. *No more than two children in the family - to control variation within the sample*
3. *Oldest child under 16 years of age (at the time of the interview) - to control variation within the sample*
4. *Father resides within a fixed geographical locale (i.e. Edinburgh for the Scottish sample; Metropolitan Toronto in Ontario) - to control variation within the sample and to facilitate access to respondents*
5. *Father has neither de facto nor legal custody of the child(ren) of the marriage (children reside with the former spouse, who retains custody in the form of physical care and control).*

Sampling Procedure. After a review of existing studies of divorce and an investigation of available resources for generating a sample in both Scotland and Ontario, seven alternative sampling sources were identified:

1. *Court records*
2. *Legal referrals (individual referrals from members of the legal profession such as solicitors)*
3. *Clinical populations (social work departments and service agencies dealing with divorcing families)*

4. *Voluntary organisation populations (such as specialised "self-help" groups of divorced fathers and single parents' associations)*
5. *Advertising*
6. *Combination approach, utilising any combination of two or more of the above, and*
7. *Snowball sampling approach, utilising a combination approach supplemented by personal contacts (including referrals from those already volunteering for the study).*

Most existing studies on the effects of divorce on families have utilised legal referrals, clinical populations, voluntary organisation populations, or advertising in generating their samples. However, one of the major methodological difficulties associated with these studies is the biased sampling that results from recruitment within each population alone; in the case of clinical populations, for example, it may be misleading to study only those divorced family members with identified problems in therapy, since many others manage the consequences of divorce within their own social support networks: such a sample may be biased in the direction of negative outcomes. Legal referrals may be biased in the direction of positive outcomes, however defined, or perhaps difficulty of case, from the solicitor's perspective; and "self-help" organisations and advertising samples may be over-representative of more expressive or "activist" groups of divorced parents.

While it may be argued that there is no truly random procedure of sampling possible in the case of divorced parents, with potential flaws even in the use of court records such as high refusal rates and difficulty in locating parents, it was felt that among our seven alternatives, the use of court records to generate a sample would be most likely to result in a wide cross-section of non-custodial fathers, representative of the entire population of such men in both Scotland and Ontario. The "combination approach" could be used as a "back-up" if sufficient numbers could not be obtained from court records; as the present study is largely exploratory, seeking to obtain a good amount of qualitative data, a group of verbally expressive fathers would more likely be obtained with such a sampling approach.

The proposed sampling procedure for the present study, then, would utilise court records in the first instance, with the "combination approach" used to supplement the sample if sufficient numbers were not obtained. Such a procedure would entail the following:

1. *Review of Scottish Court of Session and Edinburgh Sheriff Court and Supreme Court of Ontario divorce and interim custody actions, with the view of obtaining the following information: date of action, name and address or*

telephone number of father, custodial status of parents, and dates of birth of children

2. Stratified random sampling of divorce and interim custody determinations made between 1980 and 1986 inclusive, to select sufficient numbers of fathers meeting established eligibility criteria

3. Introductory letter to or telephone contact with same fathers, requesting their consent for participation in the study and to determine present level of contact between fathers and children, to distinguish two groups of fathers - 20 contact and 20 disengaged from each jurisdiction

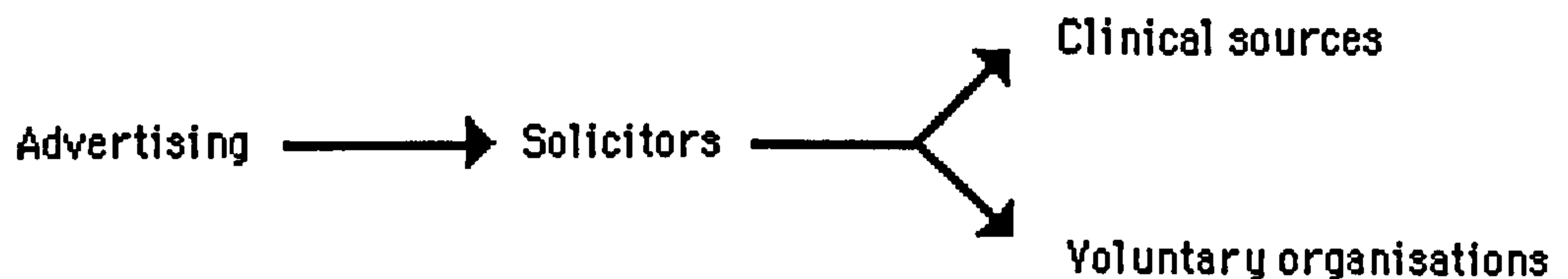
4. If sufficient numbers in either or both categories were not obtained, the subsamples would be supplemented by drawing remaining respondents from a combination of sources - through legal, clinical and voluntary organisation referrals, and by means of advertising.

Thus negotiations were initiated with key officials in the Scottish Court of Session and Edinburgh Sheriff Court and the Supreme Court of Ontario in reference to the selection of a sample based on court records. Our intention was to obtain a random sample of fathers who were separated or divorced between 1980 and 1986, with approximately equal numbers of men for each year, by means of direct access to the court records in both locales. Negotiations with court officials in Ontario presented few difficulties and a procedure for drawing the sample was established; however, negotiations regarding the selection of the Scottish sample presented a number of problems. Despite numerous efforts and proposed accommodations to fit the requirements of the Edinburgh Sheriff Court and the Court of Session, it became apparent after three months of attempted negotiation that approval of access to court records would not be forthcoming. Access to both divorce and interim custody records in Scotland was denied; both formal and informal channels were pursued in an effort to reverse this decision, but without success. It appeared that the refusal was the result of a policy decision on the part of court and government officials to allow access to court records only for government-sponsored and court-sanctioned research projects--ostensibly in an effort to contain non-essential demands on court personnel.

In the circumstances we were obliged to adopt the second-best strategy of a "combination approach" in Scotland: attempting to recruit divorced fathers from a variety of sources and calling a halt when we had obtained the requisite number. Not knowing what possible biases might result from any one resource, it was decided to vary our sources; if a wide variety of sampling sources were used, a more representative sample of non-custodial fathers would likely be obtained.

For the Ontario sample, it was decided to retain court records as the basis for generating the most representative sample possible.

Sampling Procedure--Scotland. The "combination approach" in generating our Scottish sample utilised a mixture of advertising, solicitor referrals and clinical and voluntary organisation contacts. Advertising was the first method used, with two articles about the study appearing in the local press ("Evening News") and one in the University Bulletin. A total of six local solicitors specialising in family law were then interviewed in regard to their divorced father clientele; while all agreed to participate in the study, they were able to generate only two referrals. A variety of local clinical and voluntary organisation contacts were then utilised to complete the sample requirements:



These sources generated the following number of referrals:

TABLE 2.1 Sampling Sources - Scotland

	Source	Number
1.	Advertising - local press	20
2.	Advertising - University Bulletin	7
3.	Solicitors	2
4.	Clinical sources	5
5.	Voluntary organisations	6
TOTAL		40

In each case, fathers were provided with the researcher's office telephone number and were asked to make telephone contact if interested in participating in the project or wanting further information. Fathers who telephoned were asked their names and a contact telephone number, allowing the researcher to return their call. The return call represented the researcher's initial contact with each father and proceeded as follows (see Appendix 1):

1. *Introduce self and clarify source of referral (advertising--local press, advertising--University Bulletin, solicitor, clinical source, or voluntary organisation)*
2. *Elaborate on details of research (reasons for studying non-custodial fathers, benefits for fathers who participate)*
3. *Clarify mode of data collection and analysis/assure of confidentiality*
4. *Determine interest in and availability for interview*
5. *(If interested and available) establish:*
 - (a) *whether father fits established eligibility criteria;*
 - (b) *whether father fits into "contact" or "disengaged" category; and*
 - (c) *level of contact - disengagement (whether this pattern has been sustained over the preceding three months)*
6. *(If father fits established criteria)*
Arrange date, place and time for interview.

The first 40 non-custodial fathers who were interested, available, and met the eligibility requirements (20 contact and 20 disengaged) accepted into the study and interviewed.

Sampling Procedure--Ontario. In drawing the Ontario court-based sample, our intention again was to obtain a final group of 20 contact and 20 disengaged fathers as representative of the total population of non-custodial fathers in Ontario as possible, while utilising identical criteria to those in the Scottish sample. Thus a mechanism for including both divorced and separated fathers (non-custodial fathers who may or may not be legally divorced) was necessary to obtain a cross-section of non-custodial fathers at various stages of the post-divorce process. To this end, it was decided to utilise both interim custody and divorce records over a six-year period, dating from 1981 to 1986 inclusive, and to draw an equal number of potential respondents from each year.

The procedure for obtaining the final sample in Ontario followed three stages:

1. *March 1986 : Initial meetings with Family Court and Supreme Court of Ontario officials and negotiation with Supreme Court of Ontario officials regarding method and logistics of sampling*
2. *October 1986 : Further meetings with Supreme Court of Ontario officials and final preparations for drawing the sample, including obtaining work space and clerical assistance; the drawing of the sample; and initial contact with potential respondents*
3. *January 1987 : Actual interviews with 40 non-custodial fathers who met eligibility requirements.*

The sample, drawn from Supreme Court of Ontario records, utilised two sources: divorce actions and interim custody motions. Of the total of 288 names drawn, 144 were taken from divorce and 144 from interim custody records; of the final sample of 40 fathers interviewed, 20 had been drawn from divorce and 20 from interim custody records.

Divorce actions in the court are listed alphabetically by name of plaintiff, according to the month of the filing of the motion, then bound together in an annual volume. It was thus decided to sample according to month, with two names drawn at random per month. If eligibility criteria were met, according to the court file, the father's name (together with relevant information) was accepted into the pool; if these criteria were not met, the name following on the monthly list was considered. Two names for each month, from 1981 to 1986 inclusive, produced a total of 144 in the pool of potential respondents who met the eligibility criteria drawn from divorce records.

Interim custody actions in the court are listed numerically (by file number) and bound in an annual volume. A more systematic sampling procedure could thus be used. The total desired number of potential respondents drawn from interim custody records for each year was 24; the total number of interim custody motions for the year was divided by 24--and thus every n -th file was eligible for the final pool. If eligibility criteria were met, the father's name (together with relevant information) was accepted into the pool; if these criteria were not met, the name immediately following on the list was considered. Twenty-four names for each year, from 1981 to 1986 inclusive, produced a total of 144 in the pool of potential respondents who met the eligibility criteria drawn from interim custody records.

For the convenience of the researcher, and because of time constraints, the additional criterion of availability of telephone contact with the respondent was later added; in the great majority of the final 288 names drawn, a contact telephone number for the father was obtained.

Telephone contact with each father was then attempted. This call represented the researcher's first contact with the father, who had no previous knowledge of the existence of the study, and proceeded as follows (see Appendix 2):

1. *Introduce self*
2. *Briefly introduce research (under the auspices of Department of Social Policy and Social Work, University of Edinburgh; a study of separated/divorced fathers who do not have custody of their children)*
3. *Identify means by which father's name was obtained and clarify the nature of the information obtained (open access to court records; obtained*

only the following information: father's name and address/telephone number, date of divorce/interim custody motion, number and ages of children, current custodial status of parents; did not screen any additional information or affidavits; research not in any way court-based)

4. Elaborate on details of research (reasons for studying non-custodial fathers, benefits for fathers who participate)

5. Clarify mode of data collection and analysis/assure of confidentiality (personal interview format; voluntary nature of study; confidentiality - no one but the investigator would ever know the names of any of the men who participate in the study, and the information would be reported in such a way as to make the identification of any participant impossible)

6. Determine interest in and availability for interview

7. (If interested and available) establish:

(a) whether father fits established eligibility criteria;

(b) whether father fits into "contact" or "disengaged" category; and

(c) level of contact - disengagement (whether this pattern has been sustained over the preceding three months)

8. (If father fits established criteria)

Arrange date, place and time for interview.

Thus, the telephone call was made by the researcher for the purposes of initial introduction of himself and explication of the nature of the study, to ensure that candidates met selection criteria, and the actual recruitment of eligible candidates (and arrangements for the interview).

At least two attempts were made to contact fathers by telephone, with the following results:

TABLE 2.2 Telephone recruitment - Ontario (1)

Total contacts attempted	288
Total contacts made	132
Agreed to be interviewed	48
Interviews arranged	42
Total interviewed	40

Telephone contact was made with 132 of the 288 fathers; 156 could not be reached. The 156 unsuccessful calls may be broken down as follows:

TABLE 2.3 Telephone recruitment - Ontario (2)

No telephone or wrong number/telephone not in service/father moved (either before first contact in October 1986, or between first contact and second contact in January 1987)	65
Ex-wife answered telephone (no attempt was made to trace father via mother)	7
Consistently no answer/father consistently not at home and did not return call	66
Father in hospital or on holiday	4
Long distance telephone number/father now lives outside Metropolitan Toronto	14

Of the 132 fathers who were contacted, the following results were obtained:

TABLE 2.4 Telephone Recruitment - Ontario (3)

Direct refusal (not interested, hostile, suspicious or too busy)	32	
Situation stable/"no problem" at present	19	(53 refusals)
Resigned to situation/attitude of "what's the use?"	2	
<hr/>		
Father now has <i>de facto</i> sole or joint custody of children	13	
Father reconciled with wife/family living together	7	
Father otherwise did not meet eligibility criteria	9	(37 ineligible)
Language barrier to interview	2	
Agreed to interview but excluded because sample quota reached	6	
<hr/>		
Agreed to interview but did not appear for interview as arranged	2	
<hr/>		
Interviewed	40	

The initial contact with these fathers took place in October 1986; a second telephone contact prior to the interview took place in January 1987 with the 48 fathers who had agreed to be interviewed. Of these, the first 40 men who were interested, available, and met the eligibility requirements were accepted into the study and interviewed.

The interviews in both Ontario and Scotland were held during a five-month period from October 1986 to February 1987. Whereas for the Ontario sample all 40 interviews took place in January 1987, the Scottish interviews were completed during the remaining four months:

TABLE 2.5 Interview Time Frame - Scotland

October 1986	11	interviews
November 1986	12	"
December 1986	9	"
February 1987	8	"
TOTAL	40	interviews

As we shall come to see, the two samples--from Scotland and Ontario--were in fact very similar in regard to most important demographic characteristics, a gratifying result given the different sampling procedures used and the non-random nature of sampling in Scotland. We were thus able to obtain as wide a cross-section of non-custodial fathers in Scotland as could be expected, utilising a "combination approach" to sampling.

One slight difference that emerged, however, was that whereas in Scotland more "contact" fathers came forward in response to sampling by means of advertising or referrals from solicitors, clinical sources, and voluntary organisations, and "disengaged" fathers were relatively harder to locate, the opposite was the case in Ontario, where a sample of "disengaged" fathers was relatively easier to obtain.

Instrumentation. The source of the data was a structured interview combining fixed-choice and open-ended questions conducted by the researcher individually with each father. A search of the literature revealed no pre-tested instrument relevant to the particular focus of the present study, although interview schedules of existing studies on divorced fathers and families were screened and provided a useful source of general themes and some questionnaire items. The clinical and "self-help" literature related to divorce was also reviewed; this, combined with the researcher's own experience and professional counselling with intact and divorced families, further guided the identification of salient issues and the construction of the questionnaire. A sufficient understanding of marital and family relationships is critical, according to Wallerstein and Kelly (1980) toward informing the types of questions to be asked in assessing the impact of divorce on any family member.

An instrument was therefore designed which took the form of an eight-part questionnaire to be administered orally. Although its content had a strong foundation in the existing literature on divorce, the fact that there was little available research regarding non-custodial divorced fathers to guide questionnaire construction necessitated pre-testing to ensure that use of the questionnaire would produce relevant data, that no major issues had been neglected (or excluded), and that irrelevant items could be removed.

The questionnaire was pre-tested during September and October 1986, with a sample of six fathers in Scotland, referred by colleagues and the voluntary organisation, "Scottish Families Need Fathers", a self-help group of divorced fathers without custody. The appropriateness of the questionnaire was also discussed with several researchers and methodologists in the social policy and social work, sociology, and psychology fields in both Scotland and Ontario. Each person interviewed was able to offer detailed and constructive advice about various aspects of the questionnaire, resulting in several important revisions but none of a major structural nature. Given the comments from these discussions and pre-tests, as well as the richness and usefulness of the data eventually obtained from the final interviews, we were satisfied that the interview guide was a sound instrument for data collection for the purposes of the study.

Given our concern to obtain comparable sets of data from all respondents, the same questionnaire was administered to all 80 fathers. The questionnaire form (Appendix 3) was divided into eight parts, consisting of 98 questions, some of a fixed-choice and factual variety and others providing for open-ended responses. In general, the questionnaire proceeded from an initial focus on demographic data and family history to an increasingly open-ended exploration of various key issues and post-divorce changes in the father-child relationship. Starting with questions and answers structured in a briefer, "fact-giving" way provided a useful context within which to better understand the more reflective and often complex nature of the later questions. Secondly, because the questions increasingly involved revelations of potentially more personal issues, concentrating on "facts" to begin with gave the respondent and researcher a chance to become familiar with the interview environment and each other before having to move to more difficult topics. It also gave the respondent an opportunity to feel more comfortable telling a virtual stranger about personal and highly emotional experiences and to begin to immerse himself back into the memories of those experiences.

The first sections of the questionnaire, then, were designed to evoke brief, factual statements and included mainly fixed-choice questions, Likert-type items and

rating scales; later sections contained open-ended questions designed to elicit more detailed responses about highly emotive issues. The questionnaire also proceeded according to the time frame of the father's experience--before, during and after divorce--assuming that there are distinct phases in a divorce process for each individual, with each phase representing a distinct and different set of issues.

The primary focus of the entire questionnaire was on the father-child relationship and this was made evident from the start of the interview, as the father was addressed primarily in his parenting role. The questionnaire was designed to closely examine any changes in the father-child relationship before, during and after divorce, and to develop formulations about fathers' own central psychological responses to the crisis of divorce and their motivation and available capacities to continue in the parenting role after divorce, as well as about structural factors which may constrain fathers in the post-divorce enactment of this role.

The actual interview proceeded as follows. At the beginning of the interview, the researcher described to the father in further detail the history of his interest in the project and the nature of the study and the interview (see Appendix 3), including his desire to audio-tape the interview. (Although notes were taken throughout the meeting, with the first two sections recorded directly onto the interview schedule, audio taping provided a verbatim report for future qualitative data analysis.) The researcher explained the purpose and use of the recording to the respondent and answered any questions he had about the study or recording. No father refused to give consent subsequent to this discussion.

The interview then proceeded through the following eight sections of the schedule:

1. *Demographic data about the father and the pre- and post-divorce family--demographic information such as age, occupation and income, sex and age of children, and a history-taking with respect to the marriage and divorce*
2. *Descriptive data about the pre-divorce father-child relationship, including the father's involvement with and attachment to his children, as well as information concerning the father's perception of the marriage and his previous "father" role*
3. *Detailed information about the period during divorce and the father's feelings and experiences during this time--the history of the breakdown of the marital relationship and stresses and conflicts within the marriage; details regarding the decision to divorce and who initiated the divorce; and the events and psychological ambience of the divorce*
4. *Details regarding the legal aspects of the divorce, including custody, access and financial determinations, and the role of the solicitor throughout*

the process--the father's experiences with the legal system and the courts, as well as with any other sources of help sought

5. Detailed information about various aspects of the post-divorce experience, with an emphasis on the changing father-child relationship--the current status of the father-child relationship, including level of contact-disengagement; visiting patterns and constraints; and practical aspects such as housing, finances and employment

6. Data about the physical and mental health effects of the divorce, as well as repercussions on the father's employment

7. Data about changes in the "father" role before and after divorce--designed to measure (by means of a Likert-type scale) the father's perception of any change in ten areas of influence which comprise the "father" role, and his degree of satisfaction with this perception

8. Detailed examination of the major issues identified by the father in relation to his status as a non-custodial parent--allowing the father to speak freely in his own terms about both positive and negative aspects of his relationship with his children after divorce, and to identify his perception of the most salient issues confronting non-custodial fathers vis-a-vis their relationship with their children.

The interviews themselves displayed many unique features. Initially there were difficulties in keeping respondents focused on the question at hand; many were eager to relate their "story" or complete experience of the divorce at the very outset. Thus the following procedure was adopted in administering each interview:

1. General discussion of respondent's situation (unrecorded)--up to half an hour was spent with each respondent in a general discussion of various aspects of the divorce experience, allowing the respondent to "tell his story" "off the record" and allowing the researcher to obtain a global picture of the respondent's situation. Immediately before the interview proper, the respondent was asked to focus strictly on the question at hand

2. The interview proper (recorded)--lasting an average of one and one-half to two hours, the first two sections were recorded directly onto the interview schedule and the remaining six sections, consisting of more open-ended questions, were recorded with the back-up of audio-tape

3. Debriefing (unrecorded)--up to half an hour. As the interview focused largely on emotional aspects of the divorce experience and other emotive issues, this stage of the interview was particularly critical. A number of respondents expressed suicidal ideation, for example, and a lengthy discussion about seeking appropriate sources of help was necessary in some instances.

The interviews were scheduled at a time and place convenient to the respondent; in Scotland, interviews were held either in the respondent's home, at his place of work, or (in the majority of instances) in the researcher's office; in

Ontario, interviews took place either in the respondent's home, at his place of work, or in a public place such as a restaurant. Although the interview schedule was designed (and pre-tested) to be completed within one and one-half and two hours, the interviews in fact lasted on the average between two and two and one-half hours, the shortest being one hour, the longest three hours.

Answers to the open-ended questions varied in length from the very terse to the very discussive; in the great majority of cases, however, fathers were willing to share large amounts of intimate, often painfully sensitive information. The rich and extensive information gathered is considered to be a major strength of the study; for many fathers, the interview represented the first opportunity to discuss their (usually passionate) feelings and experiences related to the divorce in a detailed and thoughtful way. All of the respondents seemed interested in the questions and regarded the venture as a valid one; no father refused to answer a question or failed to treat a point seriously. Although some fathers (particularly in Ontario) initially needed persuading that the researcher's interests and motives were honest, a significant degree of rapport and trust was established at an early stage, due largely to the fact that the interests of both parties coincided around the study: both understood the study as one way to begin reversing the neglect of non-custodial fathers in the research, clinical, and policy-making realms. The study was seen by the majority of fathers as relevant and useful and they usually remarked that the questionnaire elicited a fairly complete set of important information. Further, the reciprocal exchange nature of the researcher-respondent contact aided rapport. In exchange for providing the researcher with data, the respondents appeared to take something of value to themselves from the interview: a sense of potentially helping other non-custodial fathers and divorced families, new insights from having reviewed their experiences of divorce, knowledge that others shared their situation, and an opportunity to be heard and have their difficulties validated. Thus the interview (unintentionally) contained many therapeutic elements for the fathers who took part.

Immediately following each interview, the researcher reviewed his written notes from the interview and (briefly) the audio-tape from each, noting the major themes and issues identified by the respondent and the researcher's own impressions of the interview into a log which later served as a resource prior to the development of categories for qualitative analysis.

The process of transcription of the interviews took place both during and after the stage of interviewing and involved a complete review of each of the 80 taped interviews and a verbatim recording of all answers onto the interview schedule. As a large number of the 98 questionnaire items were of an open-ended variety, with many questions consisting of several parts and with multiple responses possible, and because of the largely exploratory nature of the study (with qualitative data supplementing quantitative analysis), full transcription of each interview was deemed to be necessary. However, as interviews were often disjointed with long pauses, frequent repetitions, and many fragmented and ungrammatical sentences, some editing of the more disjointed responses was necessary, in the interests of coherence and brevity. Wherever possible, however, an attempt was made to transcribe onto paper the entire content of the recorded parts of the interview.

The entire questionnaire comprised 98 items, many of which contained several parts: in total, a maximum of 206 questions could be asked any one respondent during the interview proper. Several questions allowed for multiple responses (such as two or more reasons given for the separation, reasons for losing contact with children, and so on). Altogether, 266 variables were generated from the questionnaire for data analysis.

Coding. While the structured questionnaire items were pre-coded, preparation for data analysis involved the post-coding of the open-ended question responses. The development of the coding categories for the latter was begun after completion of the first twenty Scottish interviews and was finalised upon transcription of all the interviews. The final coding frame was thus comprised of both pre-coded classification of structured questions and developed post-coded categories of open-ended responses.

While the open-ended questions were post-coded, the existing literature relevant to each had been previously reviewed, providing an initial orientation to the salient themes, issues, and categories that potentially could emerge from the respondents themselves. Specifically, literature relating to the impact of divorce on fathers and children provided such an orientation and a framework from which to consider fathers' responses, as the primary focus of the open-ended questions was changes in the father-child relationship before, during, and after divorce, and fathers were addressed primarily in reference to their parenting role. During and after the stage of data gathering, coding categories were then generated inductively from the data.

Coding the data from the open-ended questions into analytic categories thus followed the following procedure:

1. *Review of existing literature on the father-child relationship before, during, and after divorce, and on the impact of divorce on fathers and children, as an orientation to relevant themes to the question at hand*
2. *Recording of major issues and themes identified by each respondent following each interview (into a log kept by the researcher), noting connections with relevant themes in the literature*
3. *Utilising a method of constant comparison (connections with previous interviews), the identification of clusters of constructs, issues, and themes derived directly from the respondents; and the identification of coding categories emerging out of examination of the data (categories generated inductively from the data)*
4. *Development of a coding frame specifying the relevant categories for each of the variables generated for data analysis.*

The development of coding categories for the open-ended questions thus followed a grounded method of constant comparison of fathers' responses, identifying similar clusters of constructs, themes, and issues related to each item among respondents, and the labelling of categories in accordance with the major themes. Coding categories thus emerged directly from the gathered data.

Data analysis. Once all the data from each interview was coded, it was translated to the University main frame computer; the data thus became a data file and the coding frame was converted into a programme file. A master file for computer data analysis

was created by initially making an SPSS-X file which was then transposed into an SCSS file. In order to exploit its interactive facilities, SCSS was used throughout the process of statistical analysis of the data, using a mix of statistical methods and tests.

Initially, frequency tables and comparative frequencies were obtained for all ordinal variables. Then, in looking for relationships between variables, correlations were used along with tests of significance to determine if there were statistically significant differences among various subgroups (such as "contact" and "disengaged" fathers and fathers from Scotland and Ontario) in relation to a number of variables. The primary test of significance used was the Chi-Square Test of Independence. The .05 level of significance was required for acceptance of findings as significant in the present study; for simplicity, three bands of significance levels were used to indicate significant relationships: $p < .05$, $p < .01$ and $p < .001$.¹

Computer data analysis provided for the discovery of common patterns of pre- and post-divorce experiences of fathers in the sample and of any differences between variables where they consistently occurred. Qualitative analysis was then used to supplement the primary utilisation of quantitative analysis: to help to "interpret, illuminate, illustrate and qualify empirically determined statistical relationships" (Walker, 1985:22). A principal output of qualitative research is grounded theory (Glaser and Strauss, 1967), based on the experiences--the world view--of the population under study, which is used to establish the substantive significance of any relationships found (interpretation), and determine the salience of issues for subgroups of the population and describe the relevant processes involved for each (illumination). Illustration by means of verbatim quotes and case studies is utilised in the presentation of the data to more clearly delineate important findings and to convey the relevance of particular theoretical constructs to these findings. Finally, qualitative material is employed both as a check on quantitative findings and to add another perspective on the phenomena of interest (adding to the validity of the findings) and to suggest causality where only correlation can be established in survey analysis.

¹ In the interests of clarity, details of statistical association are not recorded fully in our presentation of the data. Instead, the significance levels of each cross-tabulation is given.

3. Limitations of the Study

Self-selected, non-probability sample. As our Scottish sample was, in effect, self-selected, the degree of representativeness of the data obtained may be questioned. Co-operation was not obtainable from either the Court of Session or the Edinburgh Sheriff Court in regard to access to divorce and interim custody records; we were obliged to fall back onto "second-best" measures in obtaining the Scottish sample, depending largely on self-selection and self-motivation, thereby creating the additional problem of utilising two different sampling procedures for the Scottish and Ontario subgroups. A differential sampling procedure in itself could be a mediating factor in any differences found between the two groups.

It is difficult to ascertain the biases which may result from relying on a volunteer sample; for example, we have no means of knowing about any differences between the group of fathers who responded to our advertisements in the local press and those who saw them but did not respond. Those who volunteer may represent either the more problem-oriented pole, seeking help in the midst of serious difficulties, or the satisfied, "successful" pole, feeling positive about the changes in their lives and confident enough in those changes to share them with others. Others may be looking for normalisation of their experiences, to know that their situation is common and that they are generally proceeding in the right direction, while others may feel particularly strongly (positively or negatively) about their experience and want to give vent to these feelings. All of these (and other) possible motivations appeared to be present in the fathers in our sample and they were fairly evenly distributed, leading to the conclusion that any biases occurring in the self-selected Scottish sample were varied rather than singular.

As it was decided to use a wide range of sampling resources to generate the final sample in Scotland, including two methods of advertising (the local press and the University Bulletin), solicitors, clinical sources and voluntary organisations, the danger of biases resulting from reliance on any one source was largely overcome. It was hoped that if a variety of sampling sources were used, the likelihood of obtaining a representative cross-section of non-custodial fathers would be increased.

Comparing the Scottish sample with the (court-based) Ontario sample, the two groups are in fact almost identical with respect to demographic characteristics; data analysis indicated similar patterns and trends within both samples.

The Scottish sample may not in fact be any less representative of the entire population of non-custodial fathers than the Ontario sample as it could be argued that

the Ontario sample, utilising an "opt-in" procedure with entirely voluntary participation, also comprised a largely self-selected group. Of the 132 fathers contacted from an initial base of 288 names from court records, there were 53 refusals, a significant proportion. One may thus question whether any truly random procedure of sampling is possible in the case of non-custodial divorced fathers; while court records appear to be an optimal method for ensuring a random sample, there may be considerable difficulties even with this process: refusal rates can be high, potential respondents may have moved and cannot be tracked down, and the records themselves may not always be entirely accurate (in nine cases, fathers who, according to court records, met the study's eligibility criteria were actually found upon contact not to qualify).

Lack of control groups. A lack of comparison with appropriate control groups may call into question the validity of our findings being unique to the non-custodial divorced father population. Such control groups could include non-divorced fathers, divorced custodial fathers, or else divorced men without any children of the former marriage. Lack of such control groups places limits on our ability to make generalisations about cause-and-effect relationships between "divorce" or "non-custodial status" and any observed changes in fathers' functioning after divorce.

The study does, however, follow a comparative design on two levels: "contact" versus "disengaged" non-custodial fathers and a geographical comparison. The former contrasts the differential experiences and responses of non-custodial fathers who maintain contact with their children following divorce with those who become disengaged from their children's lives; the fact that contact fathers serve as a control group in our analysis of disengaged fathers adds a measure of validity to our conclusions about the phenomenon of disengagement. The geographical comparison permits us to make generalisations about non-custodial fathers with greater confidence--if similar patterns emerge in both Scotland and Ontario--than would a study restricted to one locale.

Further, the study examines and compares fathers' experiences during three distinct periods--before, during and after divorce--and closely scrutinises any differences in the father-child relationship during and between each period.

While our study does not contain control groups of non-divorced fathers, divorced custodial fathers, or divorced fathers without children, there is a comparative abundance of existing studies of these groups; thus the results of the present study--the first attempt at a systematic, empirical examination of non-custodial and disengaged fathers--will provide an important body of information to

be compared and contrasted with the results of existing studies of what may, in effect, be considered our "control groups".

Retrospective nature of the study. As the present study is based largely on retrospective interviewing, the degree of accuracy of the data obtained may be questioned: the use of retrospective data depends on the respondent's ability to recall events, feelings and attitudes. There are serious problems with analyses of data referring to different time periods, such as before, during and after divorce. The fact that the fathers in the study had been separated and divorced for varying lengths of time--from three months to six years--raises further difficulties, as the effects of retrospection varied from one respondent to another.

The post-hoc design of the study limits the extent to which interpretations of cause-and-effect relationships can be made; the potency of significant findings and relationships is thus reduced. Nevertheless, in the great majority of cases, the fathers in the study were able to recall their pre-divorce relationships with their children, significant events during the divorce process, and the post-divorce period with vivid detail and a startling intensity. Rarely was there any hesitation in recalling factual information, and several respondents remarked that the passage of time had allowed them to recount events in a more "objective" way. Thus interviewing months and years after the separation may have advantages over questioning respondents in the critical period during divorce, inasmuch as fathers can more "objectively" reflect on the marriage and pre-divorce period as well as on the entire process of divorce, with little difficulty recalling previous events, feelings and attitudes. Ideally, a longitudinal design would have best suited the purposes of the present study; financial, time and other constraints would not allow us this luxury.

Self-report data. Data based solely on fathers' own perceptions, with no corroborative information from other members of the divorced family, invites further questions about the degree of accuracy of the obtained data. Efforts were made to minimise the effects of this problem: the reliability of key concepts were ensured by the use of multiple measures designed to gauge an individual's attitudes, feelings and behaviours; qualitative measures were used to supplement quantitative data; and the anonymity of the respondents was emphasised, a significant degree of openness and trust established, and the relevance of the study and usefulness of the data obtained highlighted--resulting in a high degree of expressiveness and willingness to discuss important issues and experiences. One of the most rewarding aspects of the study was the fact that fathers' descriptive statements of their experiences were extremely rich in thought and detail.

infant and child care, emotional attachment to their children, and level of influence in various areas of their children's growth and development, marked differences emerged between the contact and disengaged fathers in our study: while the majority of disengaged fathers viewed the divorce as severing what had been close affective bonds between their children and themselves, most of the contact fathers described themselves as having been relatively less involved, attached, and influential in their children's lives, and often did not see the divorce as significantly diminishing the relationship. The reliability of the data supporting this finding may be called into question as a result of its self-report and retrospective nature: disengaged fathers' reports of high involvement, attachment, and influence may be an artifact of recall. Fathers' recollections may well be inflated or biased toward a reporting of previously high participation in the lives of their children precisely because of their lack of contact; the importance of interaction with one's children is heightened by separation from them. While we do offer some evidence in support of the reliability of fathers' reports, based on the fact that the aggregate rates of non-custodial (contact and disengaged) fathers' levels of pre-divorce involvement, attachment, and influence correspond to the aggregate rates found in studies of paternal participation in child care tasks in two-parent families, the self-report and retrospective nature of the study remains an important limitation in regard to the third major finding of the study (reported in Chapter 5.1) in particular: the finding of an inverse relationship between pre- and post-divorce father-child relationships must be treated with some caution.

4. Demographic Characteristics : A Description of the Sample

Although two distinct sampling procedures were utilised in Scotland and Ontario, the obtained samples from both jurisdictions represent a wide spectrum of non-custodial divorced fathers from a variety of backgrounds and with a range of

The present study proceeds from the assumption that divorced fathers' perceptions in and of themselves, not previously examined in the divorce literature, represent a legitimate focus for empirical study. While a comparatively abundant body of data has accumulated on the impact of divorce on single custodial mothers and children (setting the context for this study, and which we consider in detail), research studies allowing fathers to define and expound their own perceptions about their experience before, during, and after divorce are extremely rare; as such, a case may be made for the validity of such "father-centred" research, where the father's perspective is paramount and his testimony is considered valid for its own sake. However individual definitions deviate from "objective reality" (and one may argue that no such reality exists), it is these individual definitions and perceptions that create present experiences, whether of difficulties or of successes. One's interpretations of past and current contexts are what one faces and acts upon; thus to study non-custodial fatherhood and disengagement is necessarily to study and treat seriously non-custodial and disengaged fathers' self-reports of those experiences.

Uncritical reliance on self-report data, however, can pose serious difficulties. McKee (1983), in her analysis of the problematic relationship between reported behaviours and values, identifies various interpretive flaws in surveys of fathers' involvement with their children: the general problem of the relationship between what fathers say they do and their "real" behaviour; the fact that reports of overt behaviour do not always harmonise with attitudes and values: reported practices do not necessarily match or reflect ideologies; and the fact that a change or lack of change in behaviour is not necessarily accompanied by a change or lack of change in belief and value systems: the two do not necessarily move in a continuous or progressive fashion (McKee, 1983:181).

As the present study takes into account both reported behaviours and ideologies (attitudes, beliefs and values regarding sex-role definitions, particularly regarding the paternal role) into account, the above interpretive flaws need to be made explicit: the self-report nature of any study utilising a survey approach remains an important limitation.

The reliability of fathers' reports is a particularly important issue vis-a-vis their self-ratings regarding their pre-divorce role with their children. As we shall examine in Chapter 5, in relation to reported rates of paternal participation in

experiences. Safeguards to ensure a representative sample were taken and in large measure were successful in generating a sample reflective of the entire population of non-custodial fathers in both locales. The following are some of the major demographic features of the sample.

The 80 fathers were grouped into six occupational class divisions (used by the Registrar General in drawing up census statistics in Britain and also applicable in the Canadian context):

TABLE 2.6 Occupational Class Distribution

Occupational Class Grouping ²	Survey Sample ³ % (N)	National ⁴ %
I. Professional	13 (10)	5.6
II. Intermediate non-manual	29 (23)	26.3
IIINM. Junior non-manual workers	13 (10)	11.2
IIIM. Skilled manual workers	20 (16)	37.5
IV. Partly skilled manual workers	17 (14)	14.9
V. Unskilled manual workers	8 (6)	4.5
TOTAL	99 (79) ⁵	100

In comparing fathers from Scotland and Ontario, the following patterns emerged:

² Registrar General's classification of occupations, 1970: HMSO. It should be stressed that this grouping was used only because it is generally accepted in social scientific research, enables comparison with other research findings, and provides a measure of the representativeness of the sample. The classification is clearly defective and reflects outdated attitudes in, for example, its implicit grouping of highly skilled and experienced manual workers on the same "rung" as junior clerical workers.

³ The thirteen unemployed men in the sample have been categorised according to their last occupation.

⁴ Based on the 1980 General Household Survey in Britain (from Ambrose et al. 1983:178).

⁵ There was one student in the Scottish sample, not included in this grouping.

TABLE 2.7 Occupational Class Distribution in Scotland and Ontario

Occupational Class Grouping	Scotland %	Ontario %
I.	18	8
II.	28	30
IIINM.	8	18
IIIM.	23	18
IV.	15	20
V.	7	8
TOTAL	98 ⁶	100

The mean age of the 80 fathers at the date of the survey was 39 years 3 months, ranging from 24 to 56. The distribution for the sample was as follows:

TABLE 2.8 Age Distribution

Age Grouping	Total Sample % (N)	Scotland %	Ontario %
25 and under	3 (2)	5	--
26 to 30	5 (4)	10	--
31 to 35	25 (20)	33	18
36 to 40	26 (21)	18	35
41 to 45	25 (20)	20	30
46 to 50	13 (10)	10	15
Over 50	4 (3)	5	3
TOTAL	100(80)	100	100

The former marriage was the first marriage for 69 (86%) of the men; 11 (14%) had been remarried. The mean length of the marriage to separation was 8 years 3 months, ranging from 4 months to 24 years. The distribution for the sample was as follows:

⁶ One student in the Scottish sample (excluded).

TABLE 2.9 Length of Marriage Distribution

Length of Marriage	Total Sample % (N)	Scotland %	Ontario %
0 to 1 year	1 (1)	- -	3
1 to 2 years	1 (1)	- -	3
2 to 3 years	6 (5)	3	10
3 to 5 years	19(15)	23	15
5 to 10 years	40(32)	43	38
10 to 15 years	23(18)	23	23
15 to 20 years	9 (7)	8	10
Over 20 years	1 (1)	3	--
TOTAL	100(80)	100	100

Of the 80 separated fathers, 39 (49%) were legally divorced, 20 in Scotland and 19 in Ontario. Nine (11%) had remarried since the divorce, 5 in Scotland and 4 in Ontario.

The year of separation for the total sample was broken down as follows:

TABLE 2.10 Year of Separation Distribution

Year of Separation	Total Sample N	Scotland N	Ontario N
1980	15	7	8
1981	12	5	7
1982	8	2	6
1983	12	8	4
1984	14	7	7
1985	11	6	5
1986	8	5	3
TOTAL	80	40	40

The mean length of the separation at the time of the interview was 3 years 4 months, ranging from 3 months to 6 years 11 months. The distribution for the sample was as follows:

TABLE 2.11 Length of Separation Distribution

Length of Separation at Interview	Total Sample % (N)	Scotland %	Ontario %
0 to 1 year	8(6)	12	3
1 to 2 years	15(12)	15	15
2 to 3 years	19(15)	23	15
3 to 4 years	13(10)	15	10
4 to 5 years	12 (9)	5	18
5 to 6 years	16 (13)	13	20
6 years	19(15)	18	20
TOTAL	100(80)	100	100

For the 39 fathers who were legally divorced, the mean length of the divorce at the time of the interview was 1 year 10 months, ranging from 1 month to 5 years 7 months. For the 9 fathers who were now remarried, the mean length of the remarriage was 2 years 3 months, ranging from 1 month to 5 years.

In 54 (68%) of the 80 cases, the wife initiated the separation, the husband did so in 18 (23%) and there was a mutual decision in 8 (10%) instances. In 58 of the 64 wife- or mutually-initiated separations, the husband indicated that he had not wanted the separation to occur. In most cases (53 of 80, or 66%) there had been only one separation, 2 in 22 (28%) cases and 3 or more in only 5 (6%) instances. Attempts at reconciliation were made in 52 (65%) cases, initiated by the husband in 41 cases, by the wife in 6 and mutually in 5 instances.

In 28 (72%) of the 39 legal divorces, the wife was the petitioner, the husband in 11 (28%). This figure is identical to that of the British and Canadian average of 72% of all divorce decrees being granted to wives (Social Trends, 1988; Bala, 1987). In half of the divorces where the wife was the petitioner, the husband indicated that he wanted the divorce - a sharp contrast to the overwhelming number of men who had not wanted the separation to occur when their wives had been the initiators.

The 80 fathers in the sample had a total of 128 children of the former marriage, ranging in age from one to 15 years at the time of the interview. 32 of the fathers had one child and 48 had two children: of the 80 older or only children, 42 (52%) were female and 38 (48%) were male; of the 48 younger children, 25 (52%) were female and 23 (48%) were male.

The sex distribution of the children was as follows:

TABLE 2.12 Older Child : Gender Distribution

Sex of Older Child	Total Sample % (N)	Scotland %	Ontario %
Male	48 (38)	38	58
Female	52 (42)	62	42
TOTAL	100 (80)	100	100

TABLE 2.13 Younger Child : Gender Distribution

Sex of Younger Child	Total Sample	Scotland	Ontario
Male	48 (23)	56	39
Female	52 (25)	44	61
TOTAL	100 (48)	100	100

The age distribution of the children were as follows:

TABLE 2.14 Older Child : Age Distribution

Age of Older Child at Interview	Total Sample %(N)	Scotland %	Ontario %
1-2 years	6(5)	7	5
3-5 years	16(13)	18	15
6-8 years	26(21)	30	23
9-12 years	23(18)	15	30
13-15 years	29(23)	30	28
TOTAL	100 (80)	100	100

TABLE 2.15 Younger Child : Age Distribution

Age of Younger Child at Interview	Total Sample	Scotland	Ontario
1-2 years	2(1)	4	--
3-5 years	25(12)	32	17
6-8 years	27(13)	24	34
9-12 years	35(17)	24	48
13-15 years	10(5)	16	4
TOTAL	100(48)	100	100

TABLE 2.16 Older Child : Age at Separation

Age of Older Child at Separation	Total Sample	Scotland	Ontario
0-2 years	25(20)	23	28
3-5 years	29(23)	33	25
6-8 years	24(19)	25	23
9-12 years	21(17)	20	23
13-15 years	1(1)	--	3
TOTAL	100(80)	100	100

TABLE 2.17 Younger Child : Age at Separation

Age of Younger Child at Separation	Total Sample	Scotland	Ontario
0-2 years	29(14)	28	30
3-5 years	35(17)	44	26
6-8 years	29(14)	24	35
9-12 years	6(3)	4	9
13-15 years	--	--	--
TOTAL	100(48)	100	100

CHAPTER 3

The Impact of Divorce on Non-Custodial Fathers

Chapters 3 to 6 are devoted to the presentation of data and significant findings of the study, based on a comprehensive review of relevant literature on fatherhood and divorce, from both a psychological and sociological/socio-legal perspective. The present chapter focuses on the effects of divorce on non-custodial fathers generally, detailing changes in their relationship with their children before, during and after divorce, and is the foundation for the comparative analysis of contact and disengaged fathers in Chapter 5. We begin with an overview of fatherhood research, delineating prevalent theories of fatherhood, and examining paternal participation, attachment, and influence as separate issues, and proceed with an examination of the effects of divorce on fathers and families, focusing on changes in the paternal role during and after divorce, and the impact of divorce on fathers, mothers, and children. Data regarding the characteristics of the non-custodial fathers in our study, and changes in the father-child relationship before, during, and after divorce are presented in the second section. Third, we present a more detailed examination of the repercussions of divorce on the father-child relationship and the first major finding of the study: non-custodial fathers experience a grieving process which contains all the major elements of bereavement. The grief reaction of non-custodial fathers is directly and primarily linked to the threatened or actual loss of their children and the pre-divorce father-child relationship. The three main components of this loss, examined in the fourth section, include child absence, role loss and the post-divorce "visiting" relationship.

1. Fatherhood and Divorce

Existing theoretical approaches to the subjects of fatherhood and divorce may be divided into those emphasising psychological components and those utilising a sociological approach. While "psychological" fatherhood and divorce research focuses mainly on personality variables and aspects of socialisation, sociologists tend to view the family as a social system affected by external systems. A holistic perspective, however, recognises that divorce effects both emotional/psychological and social/economic relations changes; as such, elements of both psychological and sociological analysis need to be considered in any attempt toward a comprehensive analysis of the impact of divorce on non-custodial fathers and the phenomenon of non-custodial fathers' disengagement.

Recent empirical investigations of the paternal role in families have described a great variety of experiences and role definitions of fathers, pointing to a heterogeneity of fathering roles (Lewis and O'Brien, 1987; Lewis and Salt, 1986; Hanson and Bozett, 1985). While some studies report that increasing numbers of

fathers are assuming "non-traditional" roles within the family (Pleck, 1987; Rotundo, 1985; Fein, 1978), a closer scrutiny of paternal involvement in child-care and child rearing suggests that fathers, like mothers and other agents, are highly variable in the enactment of their roles. While some fathers define themselves in a "traditional" manner and are only peripherally involved with their children, for others fatherhood is an important component of their identity and a significant factor in their everyday lives. It has been further demonstrated that fatherhood can only be viewed as embedded in a set of social systems both within and outside the family; fathers can only be understood by considering other roles in the family and in relation to a variety of formal and informal external systems (Lewis and O'Brien, 1987b).

Pedersen (1985) has identified the need for a theoretical model embracing pluralistic conceptions of the paternal role. The diverse adaptations of fathers, differing in relation to a variety of social circumstances, including family structure, occupational choice, sex-role identification, and stage in life span, underscore the need for a conceptual framework broad enough to encompass such variability and specific enough to explain how particular social influences modify or alter paternal adaptations. According to Pedersen, a theoretical model should include at least two key elements: first, fathers' internalised constructions of the fathering role, including both what is culturally normative and idiosyncratic variations of this normative behaviour; and secondly, conditions in the environment and structural constraints which modify individual role constructions and influence whether or not they are enacted as behaviour.

It would appear that the complexity of real-life behaviour is better explained as an interaction between internal (or "psychological") factors and external ("structural") phenomena, than as a collection of separate main effects, and investigations of fatherhood that include both classes of variables are thus more likely to be fruitful. Research that is sensitive to such interactions and which seeks to transcend disciplinary boundaries may be more productive in leading toward a more comprehensive understanding of paternal behaviour, both within the two-parent family and after divorce. Specifically, if a particular adaptation is adopted on the basis of individual beliefs and values regarding what is desirable for both fathers and children, it is important to analyse the ways in which such behaviours are supported, reinforced and constrained through a wide range of influences within the family and the larger environment in which the family is embedded. Hence an examination of the impact of divorce on non-custodial fathers needs to include not only an exploration of patterns of fatherhood before and after divorce, but the impact

of divorce on all family members, as well as the social context within which divorce takes place. The present study thus locates itself at the interface between psychological and sociological explanations in its analysis of non-custodial fatherhood and disengagement.

Resurgence of research interest. Until recently in our society, the definition and value we attached to fatherhood had little to do with a man's direct interaction with his children; the paternal role was assumed to correspond to family economic provision. Research about fathers *per se*, with fathers as the primary focus of attention and data gathered directly from them, was largely lacking; thus Benson (1968) wrote, "We study men's work roles, their political behaviour, religious philosophies, and leisure habits, but their role as father has exceptionally low priority for methodological inquiry, record-keeping and conjecture". Gersick (1975) described fatherhood as "by far the scarcest commodity in the entire social science of the family"; Lamb (1975) attempted to draw attention to fathers as "the forgotten contributors to child development".

Over the past decade, however, fathers have been "discovered"; discussion of fatherhood became fashionable and Lamb (1981) conceded that fathers could no longer be deemed as "forgotten" because the relationship between fathers and children was "now being studied thoroughly and widely". As Lewis and O'Brien (1987) point out, a large body of literature has been produced: the influence of the father upon his child's development (Parke, 1981; Lamb, 1981, 1984, 1986a); the personal experience of fatherhood (Beail and McGuire, 1982; Hanson and Bozett, 1985; Jackson, 1984; Lewis, 1986; Lewis and Salt, 1986; McKee and O'Brien, 1982; Lewis and O'Brien, 1987); and attempts to change this experience at both the individual (Lamb, 1982; Russell, 1983) and societal (Kimmel, 1987; Lamb and Sagi, 1983) levels. Conventional wisdom that had guided thinking on father-child relationships has been increasingly scrutinised--and found wanting.

The resurgence of interest in fatherhood, according to Lamb (1981) has come about as a result of five major factors: the focus on mother-child relationships became so extreme and imbalanced that researchers were forced to ask whether fathers could legitimately be deemed irrelevant entities in socialisation; the traditional family structure itself appeared to be in flux; fathers themselves were increasingly dissatisfied with their depiction as peripheral figures in the lives and socialisation of their children; interaction patterns between mothers and young children had become thoroughly exhausted as a topic for empirical study; and child development research had begun to show that the amount of time adults spent with

their children was not necessarily linearly related to their attachment to and influence on their children.

Some investigators have pointed to a variety of factors contributing to what they perceive to be a renewed interest of fathers in their children, such as advanced industrialisation and the transition to a technological society: with the decrease in working hours and increase in leisure time, there is now more possibility for fathers to spend time with their families (Greif, 1977); the impact of the women's movement on greater equality in the labour force as well as at home, which has accelerated a change in sex roles and produced a new consciousness in parenting (Gersick, 1975); the employment of married women who have less total time for housework and child-care than full-time homemakers (Pleck, 1979); and men's dissatisfaction with traditional vocational tasks and the gradual spreading disenchantment with material acquisition as the exclusive measure of the good life, and a growing espousal of close interpersonal relationships as a measure of happiness (Gersick, 1975).

While none of the above studies employed actual measures of paternal involvement in child care tasks to determine whether fathers' "renewed interest" in their children has been actualised in behaviour, there is increasing evidence challenging the stereotype that most men are work- rather than family-oriented. Pleck and Lang (1978) first reported that men's **psychological** involvement with marriage and family is greater than with their work, with family experiences perceived by fathers as making greater contributions to their overall well-being than outside work. This is now widely reported in the literature, most recently by Cohen (1987), who called for a rethinking of the nature and depth of men's family roles. There is also a growing body of data that suggests that men who value parenthood highly are in fact more involved in child care and find parenthood more satisfying than those who value it less (Kamo, 1988; Cohen 1987).

Theories of fatherhood. In his review of theories of fatherhood, Fein (1978) distinguished among three historical conceptualisations or research paradigms: the traditional perspective, prevalent in the 1940s and 50s, marked by the model of the aloof and distant father, who cares for his children primarily by succeeding in the occupational arena; the modern perspective, distinguishing the fatherhood literature of the 1960s, concerned with child outcome variables of sex-role identification, academic achievement, and moral development, all of which may be furthered by paternal involvement; and the emergent or androgynous perspective of the 1970s and 80s, exploring the premise that men have the capacity to be effective nurturers of their children, and have a wide range of parental skills and interests.

The traditional perspective describes fathers as little involved in their children's daily lives, and stresses their symbolic importance as models of power and authority. In the psychoanalytic literature reflecting this perspective, fathers are seen to play a major role in the emergence of the Oedipal conflict, but direct involvement in a child's early years is not implicated--mothers are considered to be supremely important. This view is evidenced in the writings of Bowlby, who described the father as an extremely peripheral presence in the lives of infants and young children:

"Little will be said of the father-child relation; his value on the economic and social support of the mother will be assumed" (Bowlby, 1951)

Bowlby's concept of attachment describes infants as born with a biologically based tendency to seek protective proximity to and contact with adults; his concept of monotropy characterises infants as focusing their proximity-seeking behaviours on a particular individual (the mother), who then becomes the primary attachment figure:

"The mother-child relationship is without doubt in ordinary circumstances by far his most important relationship during his early years" (Bowlby, 1966)

In sociology, Parsons and Bales (1955) presented the traditional perspective on men's roles in the family in terms of the instrumental-expressive dichotomy, another theory reflecting basic and universal sex-role differences. The father's instrumental occupational role was defined as central to his familial role; men were seen as responsible for the family's relationships with the outside world, women were the primary "givers of love" at home, carrying out an expressive, nurturing function:

"In our opinion the fundamental explanation of the allocation of roles between the biological sexes lies in the fact that the bearing and early nursing of children establishes a strong presumptive primacy of the relation of the mother to the small child, and this in turn establishes a presumption that the man, who is exempted from these biological functions, should specialise in the alternate instrumental direction" (Parsons and Bales, 1955)

Thus an influential and disparate group of scholars from various fields argued that the traditional division of parental roles were not products of cultural organisation; rather, these roles were "natural", determined at least in part by biological predispositions and imperatives. The common assumption was that it was

not only statistically usual for mothers to be the major caretakers of children, but that they were naturally suited to the task (Richards, 1982a).

The traditional perspective on fathering generally conformed to social ideals and realities of the late 1940s and 1950s. The 1960s saw the development of a new "modern" perspective on fathering, which considered successful child development as a goal of fathering. Whereas the traditional view assumed that if men played their "instrumental" role and women carried out their "expressive" responsibilities, children would be socialised successfully into adult roles, the modern perspective assumed that children were vulnerable in their psycho-social development. Three child development outcomes were particularly emphasised in the social science literature: achievement of socially appropriate sex-role identity, academic performance and achievement motivation, and moral development (Benson, 1968). The "modern" psychological literature on fathering was dominated by social learning theory perspectives; sociological research focused largely on studies of "father-absent" children (Biller, 1971).

The modern perspective, while an expanded conceptualisation of fatherhood, still suggested that fathers rely on "instrumental" behaviour in relating to their children, whereas "nurturant" and "expressive" involvement was considered to be mainly the domain of women. The emergent perspective, in contrast, proceeds from the notion that fathers are able to participate in a full range of parenting behaviours and, furthermore, that it is beneficial for both parents and children if fathers take active roles in child-care and child-rearing; this perspective has been described as androgynous insofar as it assumes that the only parenting behaviours from which men are necessarily excluded by virtue of gender are gestation and lactation, pointing to a lack of evidence of innate differences between mothers and fathers in their potential for interaction with children (Jones, 1985).

The emergent or androgynous perspective has characterised much of the psychological literature on fatherhood since the 1970s and has developed mainly in four areas: fathers' experience before, during and after the birth of children; fathers' ties with newborns and infants; the development and nature of bonds between young children and fathers; and fathers in non-traditional child care arrangements. In the attachment theory literature too, a new perspective is developing; Rutter (1972) concluded that "the chief bond need not be with the biological parent, it need not be with the chief caretaker, and it need not be with a female, as a less exclusive focus on the mother is required. Children also have fathers".

Within the sociological literature, Young and Wilmott (1973) identified the concept of the "symmetrical family" as characteristic of post-industrial society, with an emphasis on home-centredness, where the roles of the sexes become less segregated. The identification of an "emergent trend" of fatherhood has culminated in the ideology of the "new father", one who is highly involved in the day-to-day care of his children and household tasks. However, empirical evidence of such paternal behaviour is largely lacking; and rhetorical exchange about the "symmetrical family" has far outpaced serious analysis of this type of family structure (Lewis and O'Brien, 1987b). More recent analyses in both Britain and North America have begun to systematically examine the question of fathers' actual participation in child-care and child-rearing, and the assumptions behind the ideology of the "new father" have been vigorously challenged. However, the converse assumption that fathers have no salient role to play vis-a-vis their children also lacks credibility. Fathers, like mothers and other agents, are seen to be highly variable in the enactment of their roles: while some define themselves in a traditional manner, peripherally involved and with only superficial relationships with their children, for others fatherhood is an important component of their identity and a significant factor in their everyday lives. The variety of experiences and role definitions of fathers points to a heterogeneity of fathering roles (Lewis and O'Brien, 1987b).

Patterns of fatherhood and fathers' participation in family work. Studies have shown that in Britain and North America, only about 25% of families conform to the "traditional" mother-homemaker / father-breadwinner structure (Henwood et al. 1987; Hanson and Bozett, 1985); this has contributed to a wide scrutiny of fathers' relative participation in family work (child-rearing and household tasks) in the sociological literature in both locales. Research results, however, are mixed, ranging from "fathers do a great deal", to "it depends", to "they do very little" (Benokraitis, 1985).

In this context Hoffman and Manis (1979) have made a useful distinction between ideology and the actual division of labour within the family, concluding that the relationship between the two can be quite problematic. Jones (1985) cautions that individuals' attitudes are not always manifested in overt behaviour--it may be that fathers show a great interest in and attachment to their infants and children, but whether their actual participation in family work shows a corresponding increase is not clear. McKee (1982) outlines a series of potential interpretive flaws in any survey research on fathers' involvement in child-care: fathers' attitudinal or ideological changes may not be reflected in their behaviour; it is erroneous to assume that fathers' reported practices match or reflect fathers' ideologies; there

may be differences between what people say they do and believe and their "real" behaviour. La Rossa (1988) refers to the asynchrony between the "culture" (the norms, values, and ideology surrounding men's parenting) and "conduct" (what fathers actually do) of fatherhood: the culture of fatherhood, LaRossa suggests, has changed much more rapidly than the conduct.

Backett (1982), utilising an interactionist approach in her study of 22 middle-class families where both spouses were interviewed, illustrates the problematic nature of the relationship between ideology and behaviour, concluding that in sustaining ideologies about egalitarian parenting, shared child-care and "involved" fatherhood, couples may in fact be impeding progress toward any real changes. A concern with sustaining beliefs about joint parenting and the construction of a variety of legitimising procedures for fathers' relative non-involvement was shown to impede practical attempts to create objectively equal arrangements. More recently, however, Kamo (1988), in a U.S. study of 3,649 married couples, found that husbands' and wives' sex-role orientations (ideology) in fact bear a statistically significant correlation with the sharing pattern of domestic tasks: husbands' egalitarian sex-role orientations were shown to be positively correlated with their relative involvement in domestic work, including child care.

Lamb (1987) separated parental "involvement" into three distinct components: engagement, or time spent in one-to-one interaction with the child; accessibility, a less intense kind of interaction whereby the parent is involved in a non child-related activity but is ready or available to respond to the child when needed; and responsibility, relating to who is accountable for the child's care and welfare. While Lamb reported an increasing trend in paternal involvement in terms of engagement and accessibility (although mothers continue to assume the lion's share), the behaviour of fathers has changed only minimally, at best, in regard to responsibility. Men still have the freedom of "opting in" to child rearing, while women continue to have minimal opportunities to "opt out" (Backett, 1987; Oakley, 1974). It has also been noted that the behavioural styles of mothers and fathers also differ: mother-child interaction is largely dominated by caretaking whereas father-child interaction is dominated by play (Coleman, 1988; Losh-Hesselbart, 1987). There are important qualitative differences in the parenting of mothers and fathers.

Reported rates of fathers' actual family work participation differ widely in studies using a survey methodology. Kotelchuk (1976) found through parental interviews that fathers spent a mean of 3.2 waking hours per day with their 6 to 21 month-old children, compared to mothers' mean time of 9 hours; others, however,

have reported only 15 to 20 minutes of father-infant interaction per day (Lewis and Weinraub, 1976). These variations may reflect the true situation at the time of the interview or else the retrospective self- or spouse-report methods used (Jones, 1985).

Direct observation and time budget studies have characterised much of the late 1970s and 1980s literature. Walker and Woods (reported in Pleck, 1979) used a time budget methodology in a U.S. study of 1,296 families and found that fathers spent an average of 1.6 hours per day in child-care activities, compared with 8.1 hours for mothers who were not employed outside the home and 4.8 hours per day for those who were. This figure was somewhat smaller than that obtained several years later by Quinn and Staines (in Pleck, 1979) in a replication of the study, who found that men spent an average of 2.9 hours per day with their children, compared with 4.7 hours per day for working mothers. Pleck (1979) interpreted the larger figure as evidence for a modest but significant change in the level of men's participation in child-care.

In the British literature, Oakley asserted in 1974: "only a minimum of husbands give the kind of help that assertions of equality in modern marriage imply". Henwood et al. (1987) have summarised more recent research, concluding that while there has been some increased sharing of family work responsibilities, Britain is far from a truly egalitarian division: change has been a shift in degree rather than a widespread role reversal.

Although the results of studies over the past decade are mixed and measurement is difficult, there appears to be some consensus in British and North American research that in the realm of ideology there has been a trend toward egalitarian or "androgynous" parenthood, whereas fathers' actual involvement in family work remains relatively limited. While in general the division of labour in the household has not significantly changed, despite reports of the "new father," certain aspects of fathers' attitudes and behaviour vis-a-vis child-care and child-rearing appear to have significantly altered. Specifically, there is strong evidence that fathers' lives contain greater attachments to, and are more profoundly affected by, marriage and fatherhood than is usually assumed (Cohen, 1987), and fathers' rates of child-care involvement in fact vary widely within a heterogeneity of fathering roles (Lewis and O'Brien, 1987b). Although the gap in the engagement, accessibility, and responsibility of mothers and fathers vis-a-vis their children still appears to be substantial in many families, other families approach more nearly an egalitarian division.

There has been considerable controversy about the relationship between maternal employment and paternal participation in family work. In both Britain and North America, an increased percentage of married women are working, including mothers of pre-school children. Various investigators have concluded that changes in sex roles have in fact been responsive to changes in female employment (Hoffman, 1977; Scanzoni, 1979; Pleck, 1979; Lamb, 1986b), while others report a more pessimistic outcome (Benokraitis, 1985; Brannen and Moss, 1987). Most agree, however, that the relative involvement of men increases simply because employed women have less time to devote to family work (Lamb, 1984; Pleck and Rustad, 1980). Pleck (1979) examined data from the 1977 (U.S.) Quality of Employment survey, a large representative sample, and found that employed husbands averaged a total of 14.5 hours per week on housework and 20 hours per week in child-care, as compared with employed wives' totals of 31 hours per week on housework and 33 hours in child-care. Employed husbands with employed wives, however, reported spending 1.8 hours per week more in housework and 2.7 hours more in child-care than did employed husbands with non-employed wives. Another national time-use study of employed wives in 1976-77 found that wives spent only 12 more minutes a day in combined paid work and family work than did their husbands (Pleck and Rustad, 1981). More recently, Kamo (1988) found that the work status of both spouses was correlated with their domestic task sharing: while on the average husbands carry 36% of the total domestic workload (or about half that of their wives), when both work full-time outside the home, this increases to 41%, and to 43% when both earn approximately the same amount of money. Thus, while there is no question that wives continue to hold the primary responsibility for family work, men's behaviour appears to be changing on an important social indicator: men are beginning to increase their family work, particularly in child-care tasks, when their wives are employed. As the proportion of married women in paid employment continues to grow, it may be that fathers' participation in family work will show a corresponding increase (Kamo, 1988).

In general, reported rates of paternal participation in family work in Britain have been less encouraging than recent North American time budget data. This may be a reflection of lower rates of (full-time) maternal employment, particularly among mothers of pre-school children. Moss and Brannen (1987) argue that a belief in a gendered division of labour is stronger in Britain, which contributes to employment rates among married women that are low, relative to other countries. Only 7% of British women with pre-school children work full-time (Martin and Roberts, 1984), as opposed to from 25% (Horna and Lupri, 1987) to 45% (Giveans and

Robinson, 1985) in North America. In Britain, women's hours of paid work are drastically reduced upon the birth of a child; over 80% of women with children under 5 are at home or employed less than 16 hours per week, although this tends to increase with the age of the youngest child (Moss and Brannen, 1987). Men, on the other hand, tend to work longer hours when they have young children, with no break in employment due to children.

Brannen and Moss (1987), however, in a study of 188 British two-parent households in which women followed the deviant pattern of resuming employment after the birth of their first child, concluded that couples do not radically alter their division of labour in the home, and that this does not lead to overt dissatisfaction on women's part. Although women agree with the notion of equality, there is little evidence that such sharing operates in practice. The key to explaining the differences between their (British) and North American findings, the authors concluded, may be the fact that there are few developed concepts in Britain of what equality actually entails--there is a lack of appropriate role models or of widespread discussion of such issues in British society. The dominant ideology provides no useful guidelines to dual-earner households seeking a genuinely equal and mutually supportive relationship (ibid).

Martin and Roberts' (1984) Women and Employment Survey in Britain presented slightly more optimistic results vis-a-vis paternal involvement in child-care. Differentiating between domestic and child-care tasks, Martin and Roberts found that while 44% of married women working full-time said they shared **overall** family work (domestic tasks plus child care) equally (as opposed to 23% working part-time), 67% of these women saw **child-care** as shared. In regard to division of actual child-care tasks, however, mothers were more likely to be involved in routine basic care, such as feeding, dressing and washing, while fathers spent more time in idiosyncratic play and recreational activities. North American research has revealed a similar pattern, concluding that within the family women appear to have "instrumental" roles and men have "expressive" functions: while mothers do most of the "routine" child-care, fathers engage more in the pleasurable activities of watching, holding and playing with the child (Coleman, 1988; Losh-Hesselbart, 1987).

Henwood et al. (1987) identified the increase in married women's employment as one of the most dramatic post-war developments in Britain, but most married women with dependent children work part-time, with substantially lower earnings, while men with children tend to work longer hours than those without--which is held to account for the fact that women are still responsible for the lion's

share of child-care and domestic tasks. The rise of the "dual-career family" and corresponding shift in ideology and behaviour appears to be more pronounced in North America.

Constraints on androgynous fatherhood. Ironically, it is at the period in the life cycle when many fathers of young children want to become more involved with their family that work is likely to make excessive demands on their time. Men tend to work longer hours when they have young children and a significant proportion are expressing high levels of work-home conflict and dissatisfaction over not being able to spend more time with their children and families (O'Brien, 1982; Cohen, 1987).

Several investigators have highlighted the fact that a state of flux and normlessness currently exists vis-a-vis the paternal role, a result of the incongruence between the traditional fathering role and the contrasting notion of egalitarian parenting. Garnets and Pleck (1979) use several constructs to describe the types of dilemmas men are now facing in relation to their children: some men are recognising that their restricted range of parenting activities causes them to miss significant opportunities for intimacy and satisfaction (role strain); others never experience pleasure because they are constantly vacillating between being rational/ respected/ controlling and available/ intimate/ nurturing (role conflict); while other fathers are exhausted from the effort required to satisfy both the "traditional" and "androgynous" father roles (role overload). As most fathers continue to work full-time, they carry the major responsibility for earning income; the assigned role of breadwinner demands the development of occupational skills and long hours away from home. But because men's main interests appear to be shifting to family and child-care tasks, they experience serious role strain and overload, not dissimilar to that experienced by full-time employed mothers (O'Brien, 1982). Structures of employment demand continuity of employment and inflexible and highly demanding job schedules for men; these institutionalised expectations are coming under increasing scrutiny vis-a-vis the father role (Moss and Brannen, 1987)..

Various studies have pointed out that not all women desire increased paternal participation in child-care because it will diminish, and perhaps eliminate, maternal domination in this domain (Lamb et al. 1987). In the sphere of employment, women remain in lower paid and poorer jobs; given such continued inequalities, the transformation of men into competent and involved parents may well be perceived as a threat: what areas are left in which women can excel and derive meaning? (Lewis and O'Brien, 1987b) In this context, Lamb et al (1987) caution about the effects of increased paternal participation in infant and child-care

in two-parent families: paternal involvement can have positive consequences, but only when it is in accord with the desires of both parents. Children tend to do best when their parents are able to organise their lives and responsibilities in accordance with their own values and preferences, rather than in accordance with a rigid, socially determined pattern. Fein (1978) stresses that any policy to develop men's opportunities to participate in family life should by the same token be concerned with supporting women in paid employment. LaRossa (1988) stresses that individualistic solutions which see the problem of unequal parental participation in child care and child rearing as a "private" matter are highly inadequate; male parenting should rather be approached as a public issue: there are significant structural constraints to men's involvement with their children.

Attachment and Influence of fathers and the experience of fathering. Quite distinct from the question of fathers' actual involvement in child care and child rearing in the family, is that of fathers' attachment to and influence on their children. There has been a steadily growing recognition in the psychological and psychoanalytic literature of the father's importance to the normal development of a child, and of the experience of fathering. Lamb (1976) identified the serious methodological errors made by researchers who assume a minimal role for fathers in child rearing, stressing the developmentally critical nature of affective father-child relationships. Lamb and others have presented strong evidence indicating that fathers interact with infants competently and in such a way that an attachment independent of the actual amount of time spent together is formed. The attachment of fathers to children and fathers' influence on child development may thus be considered as a separate issue to fathers' actual rates of participation in child care tasks. This distinction is fundamental to our purposes; our examination of the father-child relationship before and after divorce considers fathers' involvement with, attachment to, and influence on their children as separate categories.

In regard to fathers' experiences at the time of childbirth, until recently research tended to focus on responses of fathers considered to be pathological, including the phenomena of couvade, pregnancy-related psychosis in men, and pregnancy-like symptoms. For example, Liebenberg (1969) found that 65% of expectant fathers developed symptoms including fatigue, nausea, backache, stomachache and headache during pregnancy. Since the 1970s, with the rapid rise in the number of men attending childbirth, studies have generally employed models of male parenting that assume that men are able to participate in pregnancy and childbirth. Fein (1976) found that positive postpartum adjustment in men was related to the development of a coherent fathering role meeting their own and the



needs of their wives and infants. Entwistle and Doering (1980) found that 95% of fathers who attended childbirth were positive about the experience and about a quarter of them reported an "ecstatic" peak experience. Manion (1977), in a correlational study of 45 first-time fathers several weeks after the birth of their children, found that although fathers were seldom included in postpartum hospital instruction about child-care, they did become involved in providing care for their infants. Fathers who had a higher degree of involvement in the birth had a higher degree of subsequent involvement in child-care activities. Peterson et al (1979) demonstrated that the father's experience of his child's birth and his behaviour toward his spouse and baby during delivery were more important predictors of his subsequent level of involvement with his children than prenatal attitudes.

The literature examining fathers' ties with newborns and infants has challenged traditional notions of fathers being less "nurturant" than mothers, preferring non-caretaking roles, and displaying less competence than mothers to care for newborn infants. Significant attachments between fathers and infants are formed at an early stage. Greenberg and Morris (1974) interviewed 30 first-time fathers who had either attended the births of their babies or who had been shown their babies shortly after birth. They demonstrated that as early as three days postpartum, fathers experience intense infant bonding and "engrossment", characterised by feelings of preoccupation, absorption, interest and a desire to touch, hold and interact with their children. Parke, O'Leary and West (1972) observed the mother-father-infant triad 6 to 48 hours after delivery. Fathers were just as involved in interacting with their infants as mothers, and fathers actually engaged in more social interaction with their infants, such as talking to the baby and tactile-kinetic stimulation--a finding later replicated by Sawin and Parke (1979) in their study of the infant feeding situation. Parke and Sawin (1976) found that fathers were as interested in their newborns, sensitive and responsive to their infants' feeding distress signals, and capable and confident as mothers while feeding their 2 to 4 day-old infants.

A series of studies by Lamb, involving home observation of parents and infants at 7, 8, 12 and 13 months of age, support the fact that infants attach to their fathers as well as to their mothers. Lamb (1976) reported that infants' attachments to both parents, as shown through various measures such as preferences in contact-seeking, separation protest, greeting, and desire to be held, typically form at about the same time--at 6 to 8 months of age. Infants appear to show no preference for either parent when distressed, attaching themselves to whichever parent is present. The fact that infants become attached to their fathers demonstrates that fathers spend

at least enough time with them to become attached. During their second year of life, infants appear to exhibit greater preferences for fathers over mothers in both affiliative and attachment behaviours due, at least in part, to the different types of interactions and experiences of mothers and fathers with their infants, with fathers engaging in physical stimulation and playful interactions, and mothers more in "routine" caretaking functions (Lamb, 1978). Lamb concluded that there are no differences in the capacities of males and females to be sensitive and responsive to their infants and that fathers and mothers are both psychologically salient to their infants; fathers are able to respond contingently and appropriately to infants' signals and initiatives and are able to initiate interaction that is appropriate given the baby's current state, needs and abilities (Lamb, 1981).

Beyond infancy, fathers' relationships with pre-school and school-age children have been less studied, with most existing research having been based on the "modern" perspective, examining paternal influences on children's sex-role development, moral development, achievement motivation and intellectual development, and social competence, and the effects of father absence. Although there is relatively little longitudinal research, a number of studies have demonstrated that paternal involvement with pre-school and school-age children has positive effects on intellectual performance, achievement motivation and self-confidence, as well as more flexible attitudes toward male and female roles (Lamb, 1986a).

Recent literature on the experience of fathering has largely focused on non-traditional child-care arrangements--fathers who parent outside the context of the husband-provider/ wife-homemaker nuclear family, including divorced fathers, widowed fathers, unmarried fathers, stepfathers and adoptive fathers. The greatest attention, however, has been focused on single custodial fathers as well as on fathers in "role reversal" families (or "househusbands").

The number of single custodial fathers has been increasing, doubling between 1970 and 1982 in the U.S. (Hanson, 1985). Most of these fathers, whether they seek or assent to custody, have little difficulty with the role and are generally reported as affectionate and competent parents. In role-reversal families, men have been shown to adjust well to the role when they choose and have a commitment to it, and have definite plans toward its implementation. Support from spouses and others is considered to be essential because of the lack of role prescriptions and social resources for these men, who are largely "agents of their own socialisation" (Lutwin and Siperstein, 1985). Russell (1987) reported evidence of a large number of couples reverting back to the "traditional" family form when the "role-reversal" option was not the family's first choice or when social supports were lacking.

Value perspectives in fatherhood research. Pleck (1979), in summarising the increasing body of professional literature on fatherhood, identified three value perspectives evident in current research: the "traditional" perspective, viewing men as having relatively little responsibility for family work, with justification provided by role differentiation theory and biological determinism; the "exploitation" perspective, stimulated by the feminist critique as well as by time budget research, charging men's low level of family work as causing serious problems of role overload for employed wives; and the "changing roles" perspective, which acknowledges the fact that men currently perform relatively little family work, but views men as changing and beginning to enlarge their family role, particularly in dual-earner families with children. While the traditional perspective states that men do little and sees no reason for change, and the exploitation perspective holds little hope for change, the changing roles perspective advocates an increased paternal role as something desirable and within the realm of possibility. The present study proceeds from the latter perspective, recognising that despite widely varying levels of paternal participation in child care tasks, most fathers do form close attachment bonds with their children and are influential in their development. We assume that men can and will change if appropriate educational and social policies are implemented.

Effects of Divorce on Fathers and Families. While the literature on fatherhood in two-parent families has dramatically increased, social science research has focused comparatively little attention on the problems of fathers who are separated or divorced. Although there are some important exceptions, researchers have largely tended to focus on the difficulties encountered by children of divorced parents and their custodial mothers.

The lack of an empirical focus on divorced fathers is particularly striking in light of research exploring the involvement, attachment, and influence of fathers in two-parent families: if fathers' primary attachments during marriage are oriented toward their children and families, they are likely to experience considerable emotional hardship at the time of divorce and after.

Although there are great variations in the emotional impact of divorce among men (and women) and neither divorced men nor women can be considered a homogeneous group, there is evidence to suggest that fathers' overall adjustment level after divorce is as low or lower than that of custodial mothers: men are less happy to be out of their former marriages and have fewer negative feelings toward their ex-wives (Huntington, 1986); men feel less sustained by social support systems (Bloom et al. 1978); and men are more debilitated by divorce on the basis

of suicide statistics, commitment to mental hospitals and death due to debilitating diseases and accidents (Zeiss et al. 1980). Men are more likely to be attached to their marriages and less likely to initiate or file for divorce--in over 70% of cases, women are the initiators (Social Trends, 1987; Bala, 1987). Jordan (1986) found that only 19% of the separated men in his Australian sample actually wanted or made the decision to divorce and that a high percentage of men actually showed little evidence of being aware of the impending divorce.

Expression of feelings has been identified as being particularly difficult for men in the midst of separation and divorce; according to Chiriboga and Coho (1979) "it is, in the words of Al Capp's Li'l Abner, a 'double whammy': the loss not only of the person you are closest to, but also the person who is most able to help you cope with the loss". Chiriboga and Cutler (1977) argue that early socialisation builds a wall between men and their emotions but allows women comparatively free access; once this wall is breached by an extreme situation such as divorce, the shock of fully experiencing their own emotional state may have a devastating effect on men. Krantzler (1975) found men to be much more frightened than women by feelings of vulnerability, helplessness, loneliness and fear that erupt during the crisis of divorce.

For most fathers, divorce presents a strain not comparable to that of mothers: the loss of custody of one's children. Burgess et al (1971) asserted that "in cases where children are present, the parent who retains the children experiences less crisis than the one who is cut off from both the former mate and the children". Ambert (1980) corroborates this assertion, stating that parents with custody of their children generally experience less change in their living situation, feel less lonely, insecure and helpless in their relationships with their children and have "an entrance into a better regulated emotional reality" than parents without custody.

Effects on role as father. About the divorced father, Kressel (1980) writes, "most importantly, as the non-custodial parent he must adapt to seeing his children less frequently and often on a schedule not of his own choosing. His lessened involvement in his children's lives combined with the children's lessened involvement in his life may occasion an extremely painful and continuing emotional injury".

Overall, one of the divorced father's greatest post-divorce tasks is to redefine his role as "parent". Father-child relationships after divorce are especially problematic since the non-custodial situation has no counterpart and therefore no model within the family. "The parent who moves out of the household begins a new

role for which there is no dress rehearsal and no script ... a visiting relationship between parent and child is strange by its very nature" (Wallerstein and Kelly, 1980). There is little formal assistance available to help fathers learn what their new role entails and how they might exercise it in the best interests of their children (Ambrose et al, 1983).

Somewhat surprisingly, Wallerstein and Kelly (1980) suggested that the way in which a non-custodial father manages to define his post-divorce parenting role is not correlated with the nature of his pre-divorce role: "The greatest change in post-divorce parent-child relationships is that which takes place between the visiting parent and the visiting child--at 18 months post-separation there was no correlation whatsoever between the visiting patterns that had emerged and the pre-divorce father-child relationship" (Wallerstein and Kelly, 1980). Research does, however, point to several factors which may influence the nature of the post-divorce non-custodial father-child relationship. First, the fact that non-custodial fathers experience an abrupt disentanglement from their parenting role has been emphasised; the everyday routines and events of family life, which had provided structure for a father's previous parenting role, are suddenly replaced by the patterns and constraints of a "visiting" relationship, if not complete cessation of contact (Wallerstein and Kelly, 1980). Fathers acutely fear losing their relationships with their children (Jacobs, 1986), which often leads to a non-custodial father playing what is referred to as a "Santa Claus" or "Disneyland Dad" role: visits often involve entertainment and gifts and the father is generally unwilling to discipline his children (Wallerstein and Kelly, 1980; Hetherington et al. 1978).

Difficulties surrounding the visits themselves have been highlighted by Wallerstein and Kelly (1980). The fact that the visits are constrained by time and location tends to create an artificial atmosphere: feelings and needs are compressed into the narrow confines of a visit, time becomes a jarring presence, and the anxiety of parting looms constantly. Children's upset when having to say goodbye at the end of a visit often invokes further guilt and pain in fathers; Lund (1987) found that with fathers experiencing visits as painful for themselves came the perception of visits as painful for their children.

In her study of non-custodial fathers, Greif (1979) observed that fathers' perception of their degree of paternal influence is dependent on the amount of contact between their children and themselves and that "child absence" can have disastrous effects: "The greater the father's involvement with his child, the greater his sense of having an ongoing parental role in the child's life after divorce. Most importantly,

this becomes self-reinforcing: the more opportunity fathers have to act as fathers, the more they see themselves as fathers and seek to continue that involvement ... On the other hand, the less opportunity fathers have to act as fathers, the less they see themselves as fathers and, ultimately, the less they are motivated to be with their children. A clear danger of child absence is perceived role loss, leading to further withdrawal from the child".

Greif echoes Merton's (1968) assertion that role loss can lead to retreatism. Infrequent visiting, contributing to fathers' feelings of a lack of influence, control and importance vis-a-vis their children may result in even less frequent visiting and for some a cessation of parenting altogether. The fathers who experienced more of Greif's "child absence" manifested greater signs of depression, including depressed mood and difficulty sleeping, eating, working and socialising; these fathers were overwhelmed by feelings of loss of their children and their sense of devaluation as parents. Hetherington et al (1978) found that the most compelling problem for divorced fathers is their pervasive sense of loss of their children: 8 of the 47 fathers in their study who had been highly involved, affectionate parents while married, reported that they could not tolerate the pain of only intermittently seeing their children. Two years after the divorce, these fathers had diminished the frequency of their visits with their children. Wallerstein and Kelly (1980) found that non-custodial fathers who experienced feelings of depression, guilt, or anger carried internal barriers which often discouraged visiting. Dealing with their own emotional reactions to the divorce as they simultaneously attempt to play a fuller parenting role is one of the major difficulties for non-custodial fathers in the first months following divorce. Complicating their situation is the necessity of dealing with their ex-wives in arranging for visits. Several authors point to the highly charged nature of these exchanges and suggest that the stress of getting and returning children to the former spouse inhibits the amount of contact for many fathers (Hetherington et al. 1978; Greif, 1979; Wallerstein and Kelly, 1980).

Father's ability to maintain a sense of an ongoing parental role is strongly affected by their feelings of helplessness in overcoming a custodial mother's opposition to visits (Lund, 1987). In their study of divorced fathers, Ambrose et al (1983) found that most identified the lack of confirmation and obstruction of their role as fathers by their ex-wife and her family as the major reason for their loss of contact with their children. Hetherington et al (1978) reported that two-thirds of the contacts between ex-spouses two months post-separation were marked by acrimonious disagreements over access, support, and child-rearing practices. Wallerstein and Kelly (1980) reason similarly in accounting for fathers' loss of

contact; when contacts with the former spouse are aversive, non-custodial fathers become discouraged in their attempts to maintain a relationship with their former families, with the resulting rapid attenuation of ties with their children.

Various clinical accounts have identified the "struggle for parental identity" as characteristic of the post-divorce process for many families (Jacobs, 1986; Williams, 1983). This struggle may become so intense that each parent needs to bolster his or her parenting role by devaluing and invalidating the other's; in the extreme, "psychological erasure" of one of the parents can become a real or imagined threat, especially for fathers. If the threat is real, fathers are often rendered helpless and hopeless in their struggle for parental identity; fathers usually give up and withdraw, or fight ferociously to maintain their parental identity (Williams, 1983).

Incompetence in the primary caretaker role has also been identified as a major initial difficulty for non-custodial fathers (Hetherington et al. 1978). After divorce, many fathers feel overwhelmed by the multiple nature of the full caretaking role, even on a part-time basis; feelings of incompetence in meal-planning and preparation, laundry, housecleaning and the like add to the difficulty of the visitation-based father-child relationship. Another frequently mentioned problem is providing a home or home-like environment in which children can be with their father and related difficulties in having children's preferences or needs for certain foods, toys, and clothes available (Wallerstein and Kelly, 1980). In regard to child management skills, Hetherington et al (1978) found that divorced fathers of pre-school age children made fewer maturity demands, communicated less well, were less affectionate and were markedly less consistent in discipline and control of children than were fathers in intact families. Wallerstein and Kelly (1980) have suggested that attending to children's emotional needs is especially difficult for non-custodial fathers because of communication skills deficits, the father's own heightened emotional tension, and the nature of the visits themselves, which forestall the intimacy necessary for meeting children's emotional needs. Related to this, fathers of more than one child are faced with the difficulty of finding time to attend to each child's needs on a one-to-one basis.

Mental and physical health. In regard to vulnerability to mental illness, a number of empirical studies have examined the impact of divorce on men in general. Bloom (1975) discovered that divorced men were nine times more likely to be admitted to psychiatric hospitals for the first time than were men from intact families (the increase being threefold for divorced women). His data showed further that admission rates were higher for separated than legally divorced men, suggesting

that the period around the time of actual separation is critical. Bloom et al (1978) found that automobile accidents double in frequency from 6 months before to 6 months after divorce. Separated and divorced men are also overrepresented in surveys of suicides, homicides and deaths due to a variety of medical illnesses, including lung cancer, diabetes and heart disease. Jordan (1986) concluded that the most striking effects of divorce for men were in the area of mental health: between 60-80% of men reported a number of long-lasting stress-related symptoms, such as sleeplessness, crying, reduced energy, poor appetite and excessive tiredness.

Ambrose et al (1983) found that 68% of divorced fathers exhibit new mental health problems after divorce, 33% of a severe nature. The research literature on non-custodial divorced fathers has documented the following effects of divorce on mental health: loss, grief and sadness (Greif, 1979; Keshet and Rosenthal, 1978); loneliness (Wallerstein and Kelly, 1980); depression and apathy (Greif, 1979; Keshet and Rosenthal, 1978; Wallerstein and Kelly, 1980) and inadequacy and feelings of incompetence (Hetherington et al. 1978). Studies have also examined the physical health effects of divorce on these fathers, both Greif (1978) and Ambrose et al (1983) found that in close to half of their samples, fathers developed physical symptoms, including weight loss, nerve-related eye and dental problems, high blood pressure, increased drinking, sleeping and eating difficulties, and a host of psychosomatic complaints after divorce.

The clinical literature has suggested that a primary concern for many divorcing fathers is the threat of losing their relationship with their children; fathers frequently perceive divorce as requiring a dramatic diminution or total severance of this relationship (Jacobs, 1986). In the psychiatric literature on divorce, "involuntary child absence syndrome" has been identified and defined as the "group of symptoms, feelings, ideas and behaviour that are precipitated in some parents during or following separation or divorce when they are threatened with, feel threatened by, or must in fact live with a non-existent, minimal, or diminished relationship to one or more of their children" (ibid). Jacobs' study of 26 divorcing and divorced fathers in psychiatric treatment showed these men to be preoccupied by their sense of impending loss.

Fathers of infants and young children have been identified, again in the psychiatric literature, as a group who may be particularly devastated by the loss of close contact with their children, which indicates close attachment bonds and may represent a positive change from sex-role stereotyping (Huntington, 1986). Another high-risk group identified by Huntington comprises fathers who know themselves to have been the warmer, more nurturant parent for their children, but

who are unable to remain in contact on more than a "visiting" basis. As with Jacobs' (1986) findings, Huntington's conclusions are substantiated only by clinical observations of a limited number of fathers seen in professional practice.

Despite the fact that the experience of divorce represents a highly stressful event for fathers, dramatically increasing the incidence of mental and physical health problems, few avail themselves of traditional clinical resources and most tend to avoid professional contacts (Jacobs, 1986b). Jordan (1986) found that more than half of the men in his sample exhibiting severe symptoms sought no help at all.

While several researchers (Scher, 1981; Chiriboga et al. 1979) have suggested that men's difficulties in accepting help are mainly due to the traditional role behaviours ascribed to them in not admitting problems to others, being in control of their lives and hiding vulnerable feelings, others (Jordan, 1986; Ambrose et al. 1983) have highlighted the fact that traditional clinical services are rarely geared to men's needs and that clinicians often lack a basic understanding of the significance of divorce for fathers.

Interpersonal relationships and changes in lifestyle. The theme of the social isolation of divorced fathers is recurrent in the professional literature. Generally speaking, as their former social network often collapses, divorced fathers rarely have a sympathetic support system, and they experience serious difficulties in socialising and establishing new relationships (Greif, 1978; Hetherington et al. 1978). White and Bloom (1981) concluded that the most common source of difficulty for all divorced men is in the area of social behaviour. Social isolation or rapid reattachment are both common patterns of behaviour for the recently divorced; loneliness is a pervasive problem and is highly predictive of poor overall adjustment; social contacts outside the marriage prior to separation appear to be of major help in men's post-divorce adjustment--those who had not been totally dependent on their wives for social activities while married and had a social life independent of the marriage adapt more successfully after divorce (Bloom et al. 1979). Raschke (1977) and Hetherington et al (1978) found that involvement in new social networks and activities was correlated with positive outcomes for divorced men. Most common in the case of divorced fathers, however, is a general movement toward self-sufficiency and isolation, which continues for a considerable time after divorce (Ambrose et al, 1983). The crisis of divorce and confusion about relating to people in general results in the majority of fathers experiencing negative feelings about themselves and a serious loss of self-esteem, and their trust in others becomes severely depleted (Jordan, 1986).

In regard to the effects of divorce on fathers' work and career, financial position and general living situation, some investigators (White and Bloom, 1981; Greif, 1979) have detected a strong relationship between poor adjustment to divorce and poor work performance and absenteeism; while others (Hetherington et al. 1978) highlight a pattern of divorced men of spending longer hours at work and less at home, enabling fathers to not only better their economic situation, but avoid returning to the solitude and inactivity of an empty house. A number of studies have indicated that divorced fathers generally experience increased financial burdens after divorce (Bloom et al. 1979; Hetherington et al. 1978), and a notable decline in their standard of living (Ambrose et al. 1983; Wallerstein and Kelly, 1980).

Positive aspects.. There appears to be an increasing confluence of thought within the literature that fathers who maintain regular, ongoing contact with their children make the best transition to the post-divorce period (Hetherington et al. 1978; Wallerstein and Kelly, 1980; Jacobs, 1986). Further, the impact of divorce may act as a causal factor in changing men's conceptions of masculinity and helping them to expand the nature of their involvement with their children (Huntington, 1986). Some divorced fathers may be "part-time" fathers and yet feel closer to their children and more knowledgeable about them than when they lived together on a full-time basis. A number of men develop stronger ties to their children than they had before divorce, being more likely to spend time alone, in more intense and meaningful ways (Keshet and Rosenthal, 1978). Freidman (1980) points out the positive effects of divorce on the father's experience as a parent, one in which the opportunity exists for "increased nurturing experience" and hence greater intuitive appreciation of a child's growth and development.

Greif (1977) found that 45% of the fathers in her sample reported that divorce had actually brought them closer to their children. Satisfaction with the post-divorce father-child relationship was seen to be associated with satisfaction with the custody arrangement, amount of time spent with the children and current degree of influence in the children's growth and development.

Hess and Camara (1979) contrast "Santa Claus" fathers with those whose residence becomes the children's second home. In the latter situation children are fully integrated into the household routine as family members rather than "guests", providing both father and children with ample opportunity for informal interaction. Keshet and Rosenthal (1978) also differentiate between fathers whose visits with their children are dominated by frenetically programmed activity and those providing a more "home-like" pace and atmosphere. The latter group are able to successfully create their own households and set up schedules for frequent contact

with their children and their initial feelings of inadequacy, anxiety and depression are gradually replaced by a sense of confidence and accomplishment.

The clinical and research literature, however, indicates that for the majority of divorced fathers, life after divorce is far from a positive experience. Although much of the literature is lacking an empirical approach and often relies on autobiographical accounts, clinical reports and observations, and self-selected samples, the notion that fathers have little difficulty adjusting to divorce has been strongly challenged. Available research evidence indicates that the majority of divorced fathers experience stress severe enough to bring on new physical and mental health problems and serious relationship difficulties.

Effects of Divorce on Families. In the divorce research literature, rarely has the family been perceived as a unit in which the responses of each of its members to divorce are interdependent; the tendency has been to focus on mothers, fathers, and children in isolation. Only recently have investigators begun to regard divorce as a family experience that should be viewed holistically and systemically, recognising that members of a family system cannot be examined in complete isolation from each other. The impact of divorce on fathers is inextricably intertwined with the effects of divorce on mothers and children, and thus the perspective of fathers presented in the present study must be considered in the context of broader relations between all family members.

Reliable and systematic divorce research from a broader "family system" perspective is sparse; a considerable body of material has been accumulated, however, within two "traditional" research perspectives: single parent family research and the clinical tradition (Levitin, 1979). The former has focused mainly on causal relationships between single parent households and children who experience developmental problems or exhibit various types of pathology. Difficulties inherent within such a perspective include the fact that single parent families have tended to be considered not only as a homogeneous group but as a **deviation** from the two-parent family, and that little or no attention has been paid to antecedent or intervening variables or to possible multiple and related causes and outcomes of child behaviours (such as poverty and housing conditions): single parent families in themselves are seen as invariably causing dysfunctioning in children. These difficulties have led to biases and problems in the choices of samples, designs, instruments and procedures, such as the use of single outcome measures, lack of adequate controls, failure to distinguish between types of single parent families and choice of samples of unknown representativeness. In the clinical tradition, clinical populations have provided a source of research on children and

families on divorce; but children and families who enter therapy may be among those most adversely affected by divorce: these studies generally focus on problems and failures to cope rather than on strengths and coping capabilities (ibid). Thus, both the clinical and single-parent family research traditions have conceptual and methodological problems that have made the validity of their findings problematic.

Two highly influential and "benchmark" studies that have overcome most of the conceptual and methodological difficulties of past research have appeared during the past decade: Hetherington et al. (1978), a sophisticated study in the single-parent research tradition; and Wallerstein and Kelly (1980), which utilised the perspectives and methods of clinical research with a sample of "normal" children and parents of divorce. The two studies, whose major findings tend to be corroborative, remain a major source of empirical information on the effects of divorce on families. Both studies were concerned with the impact of divorce on "normal" samples of children and families, employed longitudinal designs so that changes in the effects of divorce could be measured over time, gathered initial information at or near the time of separation or divorce, viewed the family as a system to understand how differences in family functioning before, during and after divorce could have different consequences for all family members, and used multiple measures and procedures to understand continuity and change in the children and families. These studies form the basis of the discussion following.

Effects of Divorce on Parental Functioning. In his analysis of stresses associated with a divorce, Bohannon (1970) identified six overlapping experiences faced by each spouse: the emotional divorce, which centres around the problem of the deteriorating marriage; the legal divorce, based on grounds; the economic divorce, which deals with money and property; the co-parental divorce, which deals with custody and access; the community divorce, involving changes of friends and community; and the psychic divorce, concerning the problem of regaining individual autonomy. In light of the many tasks involved in confronting each of these aspects of divorce and the accompanying stresses and disorganisation, it is not surprising that, particularly during the first year after separation in the Wallerstein and Kelly (1980) study and the first year after legal divorce in the Hetherington et al (1978) research, the parenting capacities of both mothers and fathers deteriorated significantly. They felt incompetent, lonely, alienated and depressed; on almost every measure of parental behaviour, divorced parents were coping far less well than non-divorced parents, making fewer maturity demands of their children, communicating poorly, being less affectionate and showing inconsistency in discipline and lack of control over their children.

According to Mitchell (1985), during separation and after, parents tend to ascribe their own feelings to their children and are largely unaware of and relatively insensistive to their children's needs. In the midst of their own feelings of anger, rejection and bitterness, parents may not have the emotional capacity to cope with their children's feelings as well; the emotional strain engendered by the process of divorce is strongly associated with parental unresponsiveness to children's emotional needs during this time (Hetherington, 1978; Wallerstein and Kelly, 1980). At the same time children often deliberately hide their distress from their parents (Mitchell, 1985).

While some investigators note the similarities between mothers' and fathers' responses to divorce, essential differences have also been identified. Both Jordan (1986) and Mitchell (1985) emphasised that while the non-custodial fathers in their samples had mostly reacted with great distress to the ending of their marriages, custodial mothers had been twice as likely to have felt relief as distress. While fathers reported that they felt "shut out" of their children's lives, mothers indicated that they felt "trapped" because of the children, and often overwhelmed by the sole responsibility for child care and child-rearing.

Difficulties regarding finances, employment, the control and conduct of family life and the stigma of being divorced are characteristic of women's post-divorce transition; exasperating these may be residual feelings of having failed, ambivalence, lingering ties of love and dependence, both grief and relief, mixed fears and expectations about the future, rejection, loneliness, anxiety, hostility and depression (Hetherington et al. 1978). As is the case for fathers, the depressive symptomatology for divorced mothers has been strongly associated with the degree of their social isolation; relationships with friends outside the family suffer following divorce and the construction of new relationships is particularly difficult for mothers with dependent children (Longfellow, 1979).

The custodial mother may have only a limited amount of emotional energy and time available for the children, especially if her responsibilities entail being the sole caretaker and provider. One of the most common stresses is lack of money. Financial support from the father is often not forthcoming and even if support payments are made, this is usually far from adequate and the majority of recipients must work to make ends meet (Zill, 1978). Supervision and care of children during working hours is a major difficulty for custodial mothers (Longfellow, 1979).

There is a notable lack of control of children after divorce both by mothers, who may become more restrictive and give orders but often do not follow through with appropriate discipline, and by fathers, who as we have seen are often

excessively permissive and indulgent with their children. The non-custodial father may be idealised by his children (particularly if he becomes the weekend "Santa Claus"), while the mother is often seen as the harsh disciplinarian (Huntington, 1986). A vicious cycle of negative parent-child interaction may result, particularly in the mother-son relationship: a decline in the mother's parenting skills is associated with increased aggression and other undesirable behaviours by her son; this increased aggressive behaviour is associated with increased coercive behaviour on the part of the mother which, when ineffective, not only increases her son's negative behaviour but also increases her own feelings of helplessness and incompetence (Hetherington et al. 1978).

Patterson (1978) suggested that after divorce "the maternal role is not a very rewarding or satisfying one" as mothers are subject to physical as well as emotional exhaustion, have to struggle against the cultural bias that sees mothers not as "disciplinarians" but "nurturers", are faced with discipline problems for which they have not heretofore had sole responsibility and are often given little relief from their burden. Further, such difficulties take place at precisely the time when the emotional impact of the divorce is highest.

Investigators have noted the pressures on divorced mothers to sever contacts with their former spouses as they attempt to re-establish their lives following divorce. As mentioned earlier, the majority of exchanges between ex-spouses in the year following divorce are characterised by conflict over child-rearing, access and financial support, mixed with residual feelings of anger, resentment and memories of painful conflicts (Hetherington et al, 1978). According to Williams (1986), the combination of internal and external demands on the mother may lead to a wish for an uncomplicated and orderly living schedule, which is made difficult if the child's relationship with the non-custodial father is maintained.

While the majority of investigators have pointed to the considerable difficulties experienced by divorced mothers, Kohen et al (1979) have emphasised several positive aspects of divorce for women, including a new-found authority over finances and family management, a freer social life and the augmentation of a formerly deflated self-concept. A clear majority of the women in their sample who had been divorced between one and five years, said that they preferred their present status to a return to married life.

Effects of Divorce on Children. The multiple transitions that accompany divorce for parents also acutely affect children. Following the divorce, the single-parent family may move; children leave old friends, enter new schools and have to make new friends. If the mother returns to full-time employment, a child's entire

daily routine may have to change. If the mother remarries, a child has to adjust to a new adult male in the house (Longfellow, 1979).

A substantial body of research has been conducted to assess the impact of divorce on children. The form, severity, and persistence of children's reactions depend on many factors such as their age, gender, and particular circumstances, and although some disagreement exists as to which age group tends to show which symptoms, investigators agree that children of divorced families frequently exhibit behavioural difficulties, poor self-esteem, depression and poor school performance (Jacobs, 1986). Unfortunately, many of the findings to date are equivocal insofar as studies have not always been able to isolate divorce as the sole variable in children's difficulties. It is often unclear whether children remaining in conflict-ridden two-parent families would experience fewer, similar, or more pronounced difficulties than those in divorced families.

The clinical literature has identified the particular emotional pain that a child feels after divorce as related to feelings of loss, rejection, insecurity and deep confusion. Great adaptations are required from the child in terms of mourning the loss of the parental unit while establishing new individual relationships with the parents. There is a tendency for parents to turn to their children after divorce to bolster their self-esteem, for practical help and as a buffer against loneliness and despair (Wallerstein and Kelly, 1980).

Children of different ages and developmental stages react differentially to separation and divorce; the stage of children's emotional development is an important factor in how they will perceive the divorce. The contribution of Wallerstein and Kelly (1980) has been particularly valuable in describing how a child's level of development has important implications for how he or she processes the experience of divorce and adjusts to the changes. They found that children under the age of five at the time of divorce generally demonstrated a vulnerability to depression, confusion about the nature of families and interpersonal relationships, a tendency to blame themselves for the divorce--which was highly resistive to therapeutic intervention, regression in behaviour and general development, a fear of being sent away or replaced, fantasy denial, joyless play, a preoccupation with trying to fit objects together, and a yearning for the absent parent, usually the father. Early latency-age children exhibited a pervasive sadness and sense of loss, feelings of fear and insecurity, an intense desire for the reconciliation of their parents, and an acute longing for the absent parent; late latency children evidenced feelings of shame and embarrassment, active attempts to reconcile their parents while trying to break up any new social relationships, divided loyalties and taking

sides between the parents, conflicting feelings of grief and intense anger--usually directed toward the custodial parent (especially by boys), and a two-level functioning--hiding their painful feelings in order to present a courageous front to the world. Adolescents showed continuing anger, sadness, a sense of loss and betrayal, shame and embarrassment, and a concern about their own future marriages and relationships.

The pain and sense of loss accompanying divorce thus can be severe for all children. Wallerstein and Kelly found that no children under the age of thirteen in their sample wanted the divorce to happen; Mitchell (1985) obtained similar results: less than half of the children in her sample were aware of any parental conflict within the marriage--however, even those who had been aware of conflict thought family life to have been happy and did not view parental conflict as a sufficient reason to divorce. For those children who were unhappy in a conflictual marriage, this was more likely due to the implied threat of divorce. Wallerstein and Kelly also found that the degree of conflict within the marriage prior to the divorce was not related to children's post-divorce adjustment: marriages that were unhappy for the adults were generally perceived as comforting and gratifying for the children. Not only did children not concur with their parents' decision or express any relief at the time of divorce, but five years after, while adults were generally satisfied with having made the right decision, children wanted to return to the pre-divorce state.

Investigators have, however, focused on the harmful effects that ongoing marital conflict can have on children in two-parent families, concluding that marital discord, as experienced by children in two-parent families, is more harmful to children than their living in a divorced family situation (Goetting, 1981; Longfellow, 1979).

Mediating factors. To say that divorce *per se* affects children negatively ignores the variety of intervening variables that impinge on the post-divorce adjustment of all family members; more recent investigations have tended to examine not whether divorce has negative effects, but what it is about divorce that troubles children.

Much of the earlier research on children of divorce emphasised that it is the loss or the absence of the father which is the most detrimental factor in a child's post-divorce adjustment (Biller, 1971; Santrock, 1975). The fact that these studies employed linear causal models and paid little attention to mediating factors such as lowered family income, change of residence and change of family routine is a serious limitation; Longfellow (1979) challenged these studies and suggested that the problems of children in father-absent families may not be affected so much by the absence of the father as by the life-event changes that coincide with divorce, the

custodial mother's emotional health, the quality of post-divorce parental relationships, and the extent of external support networks.

Both Wallerstein and Kelly (1980) and Hetherington et al (1978), however, have focused on the intense longing of children for their non-custodial fathers: "children express the wish for increased contact with their fathers with a startling, moving intensity ... (There is) great dissatisfaction with what adults consider reasonable rates of visitation ... complaints of insufficiency are expressed also from those being visited frequently" (Wallerstein and Kelly, 1980). All of the 131 children in the Wallerstein and Kelly sample intensely longed for their father's return.

It is now clear that post-divorce relationships between parents and between each parent and child play a major role in determining the consequences of divorce for children (Warshak and Santrock, 1983; Wallerstein and Kelly, 1980; Hetherington et al. 1978). According to Hess and Camara (1979) who compared the behaviour of children in divorced and intact families, family process variables (such as the father-mother relationship, parent-child relationship and, for divorced families, amount of contact with the non-custodial parent) are better predictors of child outcomes than is family structure. Absence of the non-custodial parent, a conflictual relationship between the parents, child focus (children being the focus of parental conflicts), loyalty conflicts, poor emotional health of either parent, lack of social supports available to parents, poor quality of child-care, and lack of or inappropriate communication to children about the divorce have all been suggested as associated with the prolonged distress of children after divorce.

The research assessing the impact of divorce on children has demonstrated that **positive** post-divorce adjustment in children is generally predicted by a number of interrelated factors: discussion of the impending divorce with the children, including open discussion of the problems involved (Raschke, 1979); agreement between the ex-spouses on child-rearing practices (Hetherington et al. 1978; Hess and Camara, 1979; Wallerstein and Kelly, 1980); explicit positive attitudes toward each other by the ex-spouses within a continued supportive and co-operative co-parenting relationship (Hetherington et al. 1978; Hess and Camara, 1979; Wallerstein and Kelly, 1980); a lack of hostility between the ex-spouses, which seems to depend on their ability to separate parenting issues from marital conflicts (Hetherington et al. 1978; Wallerstein and Kelly, 1980); the healthy emotional and psychological functioning of both parents, good parenting ability, and the maintenance of a stable and organised daily living routine (Hetherington et al. 1978; Wallerstein and Kelly, 1980; Moreland and Schwebel, 1982); and a

continued, meaningful relationship with both parents--the more frequent the contact with both parents, the better the child's adjustment to divorce (Hetherington et al. 1978; Wallerstein and Kelly, 1980; Moreland and Schwebel, 1981). Disruption of these primary bonds interferes with the child's developmental progress and presents both cognitive and emotional problems that may persist long after adjustments have been made in the routines of daily life (Hess and Camara, 1979).

In the great majority of cases, the negative effects of divorce on children are greatly mitigated when positive relationships with both parents are maintained (Wallerstein and Kelly, 1980). The child's continued relationship with the non-custodial parent is of particular importance; the weight of recent research clearly demonstrates that children strongly desire free access to non-custodial parents and frequent contact with them (Weiss, 1979; Hess and Camara, 1979). Wallerstein and Kelly concluded that traditional limited access arrangements are woefully inadequate for children of all ages and, along with Hetherington et al, recommended free and frequent access as the most salutary arrangement for most children after divorce.

Not only do children of non-custodial fathers who maintain contact after divorce generally demonstrate the most positive post-divorce outcome, but recent evidence suggests that an active non-custodial father-child relationship may have the most salutary effect on all family members. Hetherington et al (1978) found that the mother-child relationship was least threatened in cases where the divorced mother continued to have the support of her ex-husband; mothers who failed to have this type of support had greater difficulty in effectively managing their children. Support from persons outside the family was also positively associated with the divorced mother's effectiveness as a parent, but this was less critical than that of the father's continued involvement with the children.

When there is agreement about child-rearing and a low level of conflict between divorced parents, the frequency of paternal contact rises, resulting in less severe and prolonged disorganisation and stress for both parents and children (Hetherington et al. 1978). An optimal co-parental role involves a willingness to co-ordinate schedules, households and rules (Hetherington et al. 1978; Keshet and Rosenthal, 1978), a willingness to recognise and respect the former spouse's competence as a parent (Spanier and Casto, 1979), an ability to separate parenting responsibilities from previous marital issues (Wallerstein and Kelly, 1980) and a willingness to consider children's needs as a first priority (ibid).

While it is generally agreed among current investigators of "the best interests of the child" upon divorce that the two most important factors associated with children's positive post-divorce functioning are a consistent and meaningful ongoing relationship with both parents and the parents' ability to co-operate in their continuing parenting roles, there has been considerable debate about the relative importance of the two; that is, do children fare better in "stable" single-parent families with minimal contact with the non-custodial parent, or in situations where they maintain regular contact with both parents but are exposed to ongoing inter-parental conflict? In cases where such conflict persists after divorce, is it in children's best interests to maintain regular contact with both parents, or to limit or cease contact with one? A recent British study isolated the variables of parental harmony/conflict and father involvement/absence to assess their relative impact on children's post-divorce functioning (Lund, 1987). Interviewing both sets of parents (and later children's classroom teachers to gain an independent rating of children's post-divorce functioning), Lund divided the post-divorce families in her sample into "harmonious (or neutral) co-parents", "conflicted co-parents" and "single parent" (or father-absent) families. Results indicated that children fare best in harmonious co-parental families and least in single parent families. The benefits of non-custodial father involvement for children were evident in both the harmonious and conflicted co-parenting groups. Conflict between the parents was not as strong a predictor of poor outcome for children as was the absence of the father after divorce--challenging, through experimentally-controlled conditions, earlier accounts that children fare better in "stable" single-parent families than in conflictual co-parenting situations after divorce. In the same vein, Richards (1989:84) concludes that:

"Children do least well when there there is a lot of conflict between parents during and after the divorce. However, this seems to be because inter-parental conflict is very corrosive of parent-child relationships. Were these relationships maintained despite the conflict, children appear to be insulated from its negative effects."

Given certain conditions, then, children can and do make positive transitions to divorce. Recent studies have begun to examine some of the potentially positive results of divorce for children, such as the absence of a hierarchy in divorced family households, permitting parents to share managerial responsibility for the household with children, and the resultant fostering of early maturity in children (Weiss, 1979c). While there are positive outcomes, the empirical evidence continues, however, to point to the continued distress suffered by most children of divorce. It is

generally agreed that the central hazard which divorce poses to children's psychological health and development is the diminished or disrupted parenting which follows divorce and becomes consolidated over time. There are mediating factors which are associated with positive outcomes for children and parents of divorce: measures to provide comfort and appropriate understanding for children; arrangements for children to maintain meaningful relationships with both parents; and an ongoing, supportive relationship between parents who have successfully redefined their relationship as co-parental rather than spousal.

2. Characteristics of Non-custodial Fathers Before, During and After Divorce

To begin our examination of the data, we focus on the impact of divorce on non-custodial fathers through a descriptive overview of changes in the experiences of fathers over three distinct periods--before, during and after divorce--identifying common patterns characterising their reaction to the process of divorce. Because the legal divorce itself usually does not bring about many significant changes in peoples' lives, and it is the point of final parental separation that is, for fathers and other family members, the salient event in the divorce process, the reader is reminded that "divorce" in the following analysis is meant to refer to the time of final parental separation and the period during divorce to the transitional period from the point of final separation to approximately six months after, a period during which post-divorce patterns become established and consolidated. This six-month period has been identified in the divorce literature as the most stressful phase of divorce, with multiple adjustments and adaptations to the consequences of divorce required on the part of all family members,.

Before divorce. How did the non-custodial fathers in the sample characterise their relationship with their children before the divorce? What was their actual level of involvement and participation in child-care and child-rearing functions, emotional attachment to their children, and influence in various areas of their children's lives? What ideologies prevailed vis-a-vis sex roles and division of labour in the family? What were fathers' perceptions of their strengths and weaknesses as parents?

As we have seen, fathers are highly variable in the enactment of their roles, with some defining themselves in a traditional manner, contributing to the family primarily in an economic sense and only minimally involved in child-care and

domestic responsibilities, others as contributing as caregivers in only certain defined areas, while yet others see an active child-care role as an important component of their identity and a significant factor in their everyday lives. This study distinguishes three aspects of the father role--fathers' reported participation in child-care and child-rearing tasks, their reported attachment to and emotional investment in their children, and their perceived influence in their children's growth and development--and compares these to fathers' sex-role orientation and attitudes relating to the "father" role. In these we observed, as expected, a clear heterogeneity of fathering roles among the fathers in our sample. This was particularly evident in regard to paternal participation in child care functions; in contrast, the majority of fathers reported a strong attachment to their children, consistent with recent research evidence suggesting that most fathers define "parenting" as their most important social role, whether or not this is manifested in terms of their relative participation in child care tasks.

Paternal involvement in child-care and child-rearing was examined in two distinct areas: (1) fathers' participation in a range of infant care tasks relative to their wives' involvement; and (2) the actual amount of fathers' weekly contact with their children, both alone and with others, in the year before the divorce:

TABLE 3.1 Infant Care Tasks (at one year of age)¹

	Playing with baby	Lulling baby to sleep	Taking baby for walk	Bathing baby	Changing nappies/ diapers	Feeding baby	Taking baby to doctor/ care when ill	Preparing baby's meals
Relative percentage of paternal involvement	% ^(N)	% ^(N)	% ^(N)	% ^(N)	% ^(N)	% ^(N)	% ^(N)	% ^(N)
Under 50% (mother mainly responsible)	44(35)	45(36)	56(45)	60(48)	74(59)	75(60)	60(48)	82(66)
50% (equal sharing)	39(31)	24(19)	30(24)	24(19)	19(15)	19(15)	33(26)	13(10)
Over 50% (father mainly responsible)	18(14)	31(25)	14(11)	16(13)	8(6)	6(5)	8(6)	5(4)
Total	100(80)	100(80)	100(80)	100(80)	100(80)	100(80)	100(80)	100(80)
Mean	46.5	45.8	40.5	35.1	32.3	32.1	29.8	24.2
Median	50	50	40	30	25	30	20	20
Standard Deviation	18.2	23.3	20.4	24.3	21.2	20.1	26.0	21.4

In looking at the median levels of fathers' participation in infant care tasks, relative to their wives' involvement (Appendix 3--Question 14), the highest levels were reported in playing with the baby (50%), lulling the baby to sleep (50%) and taking the baby for a walk (40%); the lowest levels in preparing the baby's meals (20%) and taking the baby to the doctor/caring for when ill (20%). These results reflect earlier research highlighting the selective nature of paternal involvement in child care, indicating higher levels of fathers' participation in ideosyncratic play with children, in comparison to routine physical care (Jump and Haas, in Kimmel, 1987:99). An examination of the mean levels similarly shows the highest rates of reported paternal involvement to be in playing with the baby (47%), lulling the baby to sleep (46%), and taking the baby for a walk (40%); the lowest levels were in preparing the baby's meals (24%), and taking the baby to the doctor/caring for when ill (30%). These levels are broadly in the range reported in contemporary studies of husbands' relative share of overall family work (36% in Kamo, 1988,

¹ All tables in Chapters 3-6 are listed in percentages, with corresponding numbers in brackets, unless otherwise noted. In crosstabulation tables, in the interests of clarity, details of statistical associations are not recorded fully in the text. Instead, the significance level of the particular crosstabulation is given. For simplicity, three bands of significance levels have been used as indicating significant relationships: $p < .001$, $p < .01$, and $p < .05$.

40% in Warner, 1986, and 27% in Berk, 1985²). The relatively low levels of preparing the baby's meals and feeding the baby were explained by a number of fathers as due to mothers' continuation of breast-feeding; further, those tasks with the highest rates of paternal participation were those which are or can be performed when most fathers are at home, after working hours. The most significant statistic, however, is standard deviation: the scores obtained from our sample of fathers covered a wide range, indicating a clear heterogeneity of fathering roles vis-a-vis participation in infant care.

Fathers' participation in a range of domestic (household) tasks relative to their wives' involvement during the marriage was also measured (Question 15). Again, our results confirm those of previous studies indicating lower paternal participation in domestic as compared to child-care tasks in the division of "family work" responsibilities. While the division of infant care tasks in our sample offers evidence of comparatively substantial paternal involvement, the division of household tasks generally points to a more "traditional" division, with fathers primarily responsible for household repairs (mean relative contribution 83%, median 90%), earning money (mean 81%, median 90%), taking out the rubbish (mean 73%, median 75%), and family money management (mean 69%, median 75%); and mothers for laundry (fathers' mean relative contribution being only 26%, median 20%), preparation of family meals (mean 32%, median 25%), household cleaning (mean 33%, median 30%), and household shopping (mean 47%, median 50%). Again, however, a considerable number of fathers reported an equal sharing of domestic tasks; as reflected in high standard deviation levels, a heterogeneity of roles also exists in regard to fathers' involvement in the "domestic" sphere.

We next examined fathers' involvement with their children as they grew older; fathers were asked to indicate the actual amount of time they spent in direct contact with their children per week, both alone and with others present, in the year before the divorce (Questions 16 and 17):

² Reported in Kamo, 1988. "Overall family work" refers to fathers' participation not only in child care but in a range of domestic tasks.

TABLE 3.2 Weekly Contact with Children in the Year Before Divorce

Number of hours per week with children	Alone % (N)	With Others % (N)	Total % (N)
No contact	4 (3)	--	--
1 - 9	23 (18)	8 (6)	--
10 - 19	38 (30)	41 (33)	15(12)
20 - 29	26 (21)	38 (30)	23(18)
30 - 39	5 (4)	10 (8)	31(25)
40 and over	5 (4)	4 (3)	31(25)
Total	100 (80)	100(80)	100(80)
Mean	15.8	18.2	33.9
Median	15	20	30

Fathers' overall level of involvement was reported to average a total of 34 hours per week, of which 16 hours was time spent alone with the children; again, considerable variation was evident in both the amount of time spent alone with children and with others present. As we have seen, reported rates of fathers' general involvement with their children differ widely in the literature; although our results are within the range of several recent studies, we do not consider the actual time levels reported to be as significant as the wide variations evident among the fathers in our sample.

Consistent with earlier findings, the fathers in our sample generally reported a high level of emotional attachment to their children during the marriage, whether or not they had been actively involved in child-care:

TABLE 3.3 Reported Emotional Attachment to Children During Marriage

	Older Child % (N)	Younger Child % (N)
Very strong	71 (57)	69 (33)
Strong	21 (17)	29 (14)
Moderate	6 (5)	2 (1)
Minimal	1 (1)	--
Not attached	--	--
Total	100 (80)	100 (48)

In relation to attachment, fathers were asked to rank themselves on a scale measuring their frequency of thinking about their children when not with them,

wanting to be with their children when not with them, comforting their children when ill or in distress, and talking with their children about feelings:

TABLE 3.4 Attachment Indices

	Thinking about child(ren) %(N)	Wanting to be with child(ren) % (N)	Comforting child(ren) % (N)	Discussing feelings with child(ren) % (N)
Very often	44 (35)	41(33)	51(41)	38(30)
Often	44 (35)	38(30)	31(25)	30(24)
Sometimes	10(8)	18(14)	16(13)	20(16)
Hardly ever	3 (2)	4(3)	1(1)	9 (7)
Never	---	---	---	4 (3)
Total	100(80)	100(80)	100(80)	100(80)

Fathers generally reported high affective involvement with their children during the marriage, and the strength of their reported attachment bond clearly surpassed the actual amount of time they had spent with their children. This reinforces recent research findings which cast men in more affective poses than previously reported; their lives contain a greater attachment to "fatherhood" than is usually assumed, although this is not always made manifest in behavioural terms.

Fathers' attachment to their children in relation to other role attachments was sought by asking them to identify the two most satisfying activities in their lives from a list of eight (Question 18); these activities were then reclassified to correspond to the following roles:

TABLE 3.5 Role Satisfactions During Marriage

	Most Satisfying Role % (N)	Next Most Satisfying Role % (N)	Total % (N)
Family role	75 (60)	49 (39)	62 (99)
Occupational role	14 (11)	35 (28)	24 (39)
Other ³	11 (9)	16 (13)	14 (22)
Total	100 (80)	100(80)	100 (160)

³ Includes leisure time and recreational activities not involving the children, religious beliefs and activities, and participating as a citizen in the affairs of the community.

Although their behaviour may suggest that their occupational role is primary (based on the relative amount of time they invested), fathers overwhelmingly reported having derived greater satisfaction from their family and children than from their work or other roles.

As children are salient individuals in their fathers' lives, so recent research has emphasised the importance of fathers in the lives of their children. Greif (1977) compiled ten categories of parental functions which together can be considered as comprising the "father" role; these were used in the present study to assess the nature of fathers' Influence on their childrens' lives before divorce (Questions 86 to 95):

TABLE 3.6 Perceived Paternal Influence on Children Before Divorce

Paternal Roles	Very high/high % (N)	Medium % (N)	Low/very low % (N)	No influence % (N)	Total % (N)
Routine daily care and safety	74 (59)	16 (13)	9 (7)	1 (1)	100 (80)
Intellectual development	74 (59)	19 (15)	5 (4)	3 (2)	100 (80)
Physical development	75 (60)	14 (11)	10 (8)	1 (1)	100 (80)
Personality development	76 (61)	19 (15)	4 (3)	1 (1)	100 (80)
Teaching behaviour / social skills	78 (62)	19 (15)	4 (3)	—	100 (80)
Emotional development	68 (54)	20 (16)	11 (9)	1 (1)	100 (80)
Religious development	39 (31)	26 (21)	20 (16)	15 (12)	100 (80)
Moral development	68 (54)	21 (17)	9 (7)	3 (2)	100 (80)
Giving child(ren) a feeling of being part of a family	78 (62)	15 (12)	6 (5)	1 (1)	100 (80)
Financial affairs of child(ren)	54 (43)	38 (30)	8 (6)	1 (1)	100 (80)

Fathers generally perceived their influence in their childrens' growth and development to have been high before divorce, particularly in giving their children a "feeling of being part of a family" and in teaching behaviour and social skills, but much lower in the religious development and financial affairs of their children. Significantly, one of the higher-ranked areas was that of routine daily care and safety: fathers saw themselves as having a strong influence in their day-to-day interaction with their children (consistent with their reports of spending a considerable amount of time with their children, both on their own and with others). Again, there was a great deal of variation in fathers' reported levels of influence.

In examining father-child relationships, it is thus valuable to distinguish among fathers' level of actual (behavioural) involvement in child-care and child-

rearing functions, emotional attachment to their children, and influence on their childrens' lives; we have attempted to discretely measure each component. In addition, measures of fathers' attitudes and ideologies regarding gender role division within the family were developed to provide further information about the pre-divorce father-child relationship; in this regard fathers were asked a series of questions, including their definitions of "mothering", "fathering" and "family life", their perception of their major strengths and weaknesses as parents during the marriage, and their views in regard to differences between the "mother" and "father" roles in the family (Questions 21 to 29).

When asked whether they perceived there to be a fundamental difference in roles between the father and the mother in the family (Question 22), fathers' replies fell broadly into the following categories, indicative of an heterogeneity of attitudes and orientations toward gender roles in the family:

TABLE 3.7⁴ Fathers' Ideologies Regarding Gender Role Division Within the Family

	% (N)
No difference between "father" and "mother" role ("androgynous" orientation)	66 (53)
No difference between "father" and "mother" roles, although society structured according to gender role division ("qualified" orientation)	8 (6)
Clear difference between "father" and "mother" roles ("traditional" orientation)	26 (21)
Total	100 (80)

The majority of fathers (66%) indicated that they believed there to be no fundamental difference between the father and mother roles in the family. However, when specifically asked for their definition of "fathering" (Question 27), 56% of respondents indicated a "non-traditional" or "androgynous" perspective, 33% expressed a mixture of "androgynous" and "traditional" sentiments, and 8% clearly reflected a "traditional" perspective: when asked this more open-ended question, more fathers fell into the middle range of a "mixed" perspective.⁵ Fathers were

⁴ Unless otherwise noted, all of the following tables (Chapters 3-6) are based on **post-coded** categories, created by the post-coding of fathers' responses to open-ended questions (see Appendix 3 for copy of questionnaire).

⁵ "Non-traditional" : total commitment and involvement in all areas of child care;

then asked for their definition of "mothering;" interestingly, many of the fathers indicating a mixture of "androgynous" and "traditional" sentiments in relation to "fathering," replied that their definition of "mothering" was equivalent to that of "fathering." Seventy-three per cent of fathers defined "mothering" as essentially the same as "fathering;" 11% gave the same definition with some form of qualification⁶, while 16% provided distinct definitions of the two roles.

In sum, in regard to gender role orientation and specific attitudes toward "parenting," fathers' responses were again highly varied. Significantly, fathers' reported ideologies closely matched their reported rates of involvement with, attachment to, and influence on their children before divorce--a measure of the validity of the findings.

Although one must proceed with caution in any interpretation of the above data because of the retrospective and self-report nature of the study, we were reassured by the fact that our results closely correspond to those of existing studies of fatherhood in two-parent families. Most significantly, as in the general population of fathers, there existed before divorce a clear heterogeneity of fathering roles among the fathers in our study. The primary reason for assessing the quality of father-child relationships prior to divorce was to determine in a sense what, if anything, the father and child were losing upon divorce. As we shall see in Chapters 5 and 6 in discussing the different patterns and experiences of contact and disengaged fathers, the loss of a highly attached, close-knit relationship has a radically different meaning and outcome than one in which the father had only been peripherally involved with his children during the marriage.

On all measures relating to fathers' involvement with, attachment to, and influence on their children before the divorce, domestic participation, and orientation toward gender role division within the family, no significant differences were found between the Scottish and Ontario sub-samples. In both locales, a heterogeneity of fathering roles prevailed.

During Divorce. The transition period during divorce (from the point of separation to approximately six months after) has been identified by divorce researchers as the most difficult stage for all members of the divorcing family. In considering the experience of non-custodial fathers during this period, we shall

"mixed" : teacher, role model, and disciplinarian, playing with children, combination of economic provision and child care functions; "traditional": breadwinner, economic provider, protector.

⁶ Four respondents referred to biological differences, i.e. lactation/breast feeding; five stated that fathering and mothering are basically the same, but mothering involves some additional tasks.

examine fathers' perceptions of what led up to the divorce, as well as events taking place at the point of divorce and the time immediately after.

Fathers were asked what they perceived to be the main factors contributing to the divorce (Question 35). Consistent with earlier studies (Ambrose et al, 1983), it was found that in the great majority of cases, difficulties vis-a-vis children or child rearing were not cited as contributing factors in the parents' divorce:

TABLE 3.8 Reasons for Divorce

Nature of Reason ⁷	Reason 1 %(N)	Reason 2 %(N)	Total %(N)
Internal to the marriage and concerning the relationship between the couple alone	53(42)	16(6)	41(48)
Internal to the marriage but concerning the couple and their children	4(3)	16(6)	8(9)
Relationship by one or both of the spouses with another or others	10(8)	16(6)	11(14)
Tensions related to work or career (of either spouse) or money matters	14(11)	32(12)	19(23)
Pressures from in-laws and other extended family	11(9)	13(5)	11(14)
Illness of either spouse	9(7)	8(3)	8(10)
Total	100(80)	100(38)	100(118)

When asked about the general atmosphere between the spouses at the point of the divorce (Question 39), somewhat surprisingly, fathers were more likely to report an atmosphere of calm (44%) than one of turbulence (35%). Many indicated a limited level of awareness of the impending divorce; 21 fathers stated that they experienced the divorce as being caused by a particular event or crisis (rather than as a slow build-up) for which they were largely unprepared, reflecting a lack of awareness of serious conflicts or chronic problems within the marriage.

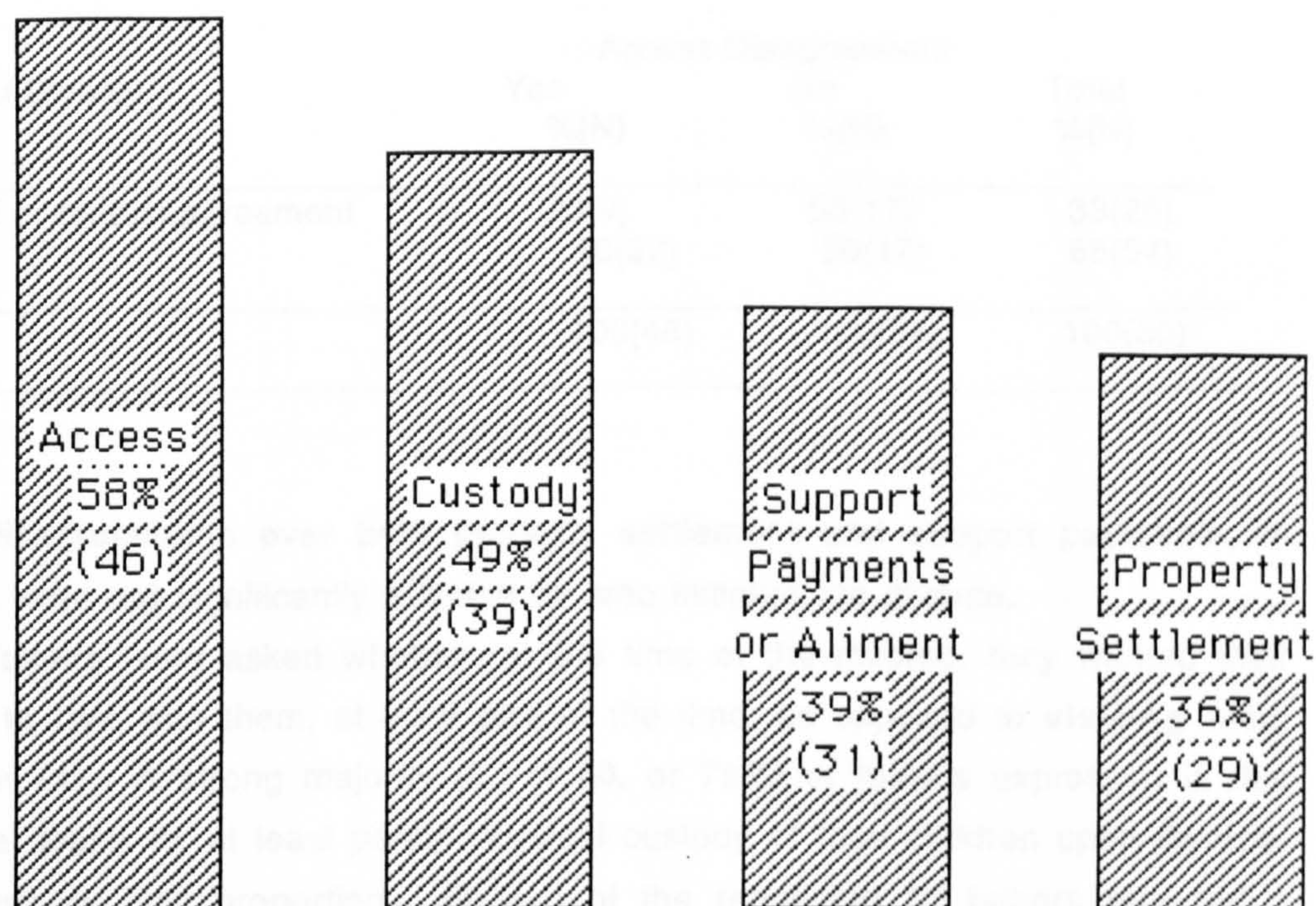
In the majority of instances (54 of 80, or 68%), it was the wife who was identified as initiating the divorce (separation); the husband in only 18 cases. Only

⁷ Classification based on Ambrose et al. 1983:49.

32 of the 80 fathers indicated that they had wanted the divorce or made the decision to divorce. In 41 of the 52 attempted reconciliations in our sample, the husband initiated the attempt. Many fathers saw themselves as having little power or control at the time of the divorce over the eventual outcome, expressing a sense of a victimisation as unwilling partners in the break-up. Thus despite fathers' reports of an apparent calm between the spouses at the point of the divorce, considerable disagreement over the fact of the divorce itself was predominant; mutual agreements to divorce were relatively rare (8 of 80 cases).

There were further issues where overt or covert disagreements appeared at the time of the divorce, specifically those concerning child custody and access (Question 40):

FIGURE 3.1 Issues of Disagreement between Spouses at Time of Divorce



Custody disagreements were invariably associated with disagreements over access. Disagreements over custody and access were more likely in wife-initiated divorces; when wives initiated the divorce, disagreement over the fact of the divorce were usually accompanied by disagreements over custody and access, with fathers wanting to remain actively involved with their children while their wives were reported as wanting a "clean break". Such disagreements were reported as less

likely in cases where the husbands made the decision to divorce; these fathers were more likely to consent to their wives' proposed arrangements:

TABLE 3.9 Custody Disagreement by Initiator of Divorce⁸

Initiator of Divorce	Custody Disagreement		Total %(N)
	Yes %(N)	No %(N)	
Husband or mutual agreement	13(5)	51(21)	33(26)
Wife	87(34)	49(20)	68(54)
Total	100(39)	100(41)	100(80)

$p < .001$

TABLE 3.10 Access Disagreement by Initiator of Divorce

Initiator of Divorce	Access Disagreement		Total %(N)
	Yes %(N)	No %(N)	
Husband or mutual agreement	20(9)	50(17)	33(26)
Wife	80(37)	50(17)	68(54)
Total	100(46)	100(34)	100(80)

$p < .01$

Disagreements over both property settlement and support payments, in contrast, were not significantly affected by who initiated the divorce.

Fathers were asked whether, at the time of the divorce, they wanted their children to live with them, at least part of the time, as opposed to visiting them (Question 41). A strong majority (63 of 80, or 79%) of fathers expressed in this context a desire for at least partial physical custody of their children upon divorce—a surprisingly high proportion. Sixteen of the remaining 17 fathers reported a desire for regular access to their children. Fathers who did not initiate their divorces were more likely to want at least partial physical custody ($p < .05$): 85% of this group, as opposed to 65% of those who themselves had initiated the divorce or where there had been a mutual decision, stated that they wanted their children to live with them at least part of the time.

⁸ All crosstabulation tables in Chapter 3 are listed according to column percentages.

In sum, although fathers' perceptions of critical events leading up to and during divorce may in fact differ from those of mothers, clearly, during divorce, the majority of fathers wanted their children to continue to live with them, at least part of the time. They perceived the difficulties within the marriage and the reasons for the divorce as independent of their children, with whom they wanted to maintain an active, "day-to-day" relationship.

On all of the above variables relating to the characteristics and experiences of non-custodial fathers during divorce, no significant differences were found between the Scottish and Ontario sub-samples.

After divorce. The most salient feature of fathers' post-divorce experience was their desire for a higher level of contact with their children:

TABLE 3.11 Desired Level of Child Contact After Divorce

Desired Level ⁹	Frequency	
	%	(N)
A lot more	70	(56)
Some more	14	(11)
About right	15	(12)
A little less	1	(1)
A lot less	--	--
Total	100	(80)

The desired level of child contact after divorce was significantly related to who initiated the divorce; those fathers whose wives had been the initiators were much more likely to want increased contact:

⁹ Pre-coded categories.

TABLE 3.12 Desired Level of Child Contact After Divorce, by Initiator of Divorce

Initiator of divorce	A lot more %(N)	Some more %(N)	About right %(N)	A little less %(N)	Total %(N)
Husband or mutual agreement	25(14)	18(2)	75(9)	100(1)	33(26)
Wife	75(42)	82(9)	25(3)	-	68(54)
Total	100(56)	100(11)	100(12)	100(1)	100(80)

$p < .01$

Fathers were also asked about the influence of their ex-wives in regard to the level of fathers' contact with their children after divorce. Encouragement of paternal contact by the former spouse after the divorce was also significantly related to initiator of the divorce. Although most ex-wives discouraged contact (54 of 80, or 68%), those who initiated their divorces were reported as more likely to discourage it (41 of 54, or 76%):

TABLE 3.13 Wives' Encouragement of Father-Child Contact After Divorce, by Initiator of Divorce

Initiator of divorce	Encouraged %(N)	Encouragement of Contact Discouraged %(N)	Both %(N)	Neither %(N)	Total %(N)
Husband or mutual agreement	48(10)	24(13)	100(2)	74(1)	33(26)
Wife	52(11)	76(41)	--	67(2)	68(54)
Total	100(21)	100(54)	100(2)	100(3)	100(80)

$p < .05$

Predictably, it was also found that the greater the discouragement of paternal contact by the former spouse, the more likely was the father to desire greater contact:

TABLE 3.14 Desired Level of Child Contact by Wives' Encouragement of Father-Child Contact After Divorce

Wives' encouragement of father-child contact	Desired Level of Child Contact				Total %(N)
	A lot more %(N)	Some more %(N)	About right %(N)	A little less %(N)	
Encouraged	7(4)	55(6)	83(10)	100(1)	26(21)
Discouraged	89(50)	36(4)	--	--	68(54)
Both	2(1)	--	8(1)	--	3(2)
Neither	2(1)	9(1)	8(1)	--	4(3)
Total	100(56)	100(11)	100(12)	100(1)	100(80)

$p < .001$

The ways in which ex-wives discouraged contact varied but most often cited were outright refusal of access (mentioned 25 times); not having the children ready or available for the access visit, or changing arrangements at the "last minute" (16); confrontation or conflict with the father at the time of the access visit (16); condemnation of the father to the children (15); and periodic refusal of access or refusal of residential access (13).

Interestingly, however, whether or not a father actually maintained contact with his children after divorce was largely independent of who initiated the divorce.

Again, it should be noted that the lack of corroborative data from mothers and children vis-a-vis post-divorce patterns and events is a serious limitation of the study; however, the fact that the most salient feature of the post-divorce experience for fathers was their desire for a higher level of contact with their children is an important observation for its own sake--one that challenges formulations of non-custodial fathers as not interested in their children after divorce. Further, there were no significant differences between the Scottish and Ontario sub-samples in relation to any of the above factors, suggesting a measure of universality of fathers' experiences in the period after divorce.

3. The Non-custodial Father-child Relationship : Grief Reaction of Non-custodial Fathers

Our examination of the characteristics of non-custodial fathers before divorce has revealed both a heterogeneity of fathering roles vis-a-vis participation in child care tasks and a variety of perceptions and ideologies regarding gender roles in the family. At the same time, fathers report having had a large emotional investment in their children, describing themselves as strongly attached to their children as well as highly influential in their lives. The period during divorce, considered to be the most difficult time emotionally for all family members, is the time when new father-child relationship patterns are established and consolidated. Disagreements between the spouses over custody and access surface at this time; fathers perceive the difficulties within the marriage and the reasons for the divorce as independent of their children, with whom they want to maintain an active, "day to day" relationship. Fathers' ongoing involvement with their children after divorce, however, largely falls short of desired levels.

We turn now to an examination of the more specific repercussions of divorce on the father-child relationship and to the presentation of our first major finding: non-custodial fathers experience a grieving process that contains all of the major elements of bereavement, which is directly and primarily linked to the loss of the pre-divorce father-child relationship. Although non-custodial fathers undergo a number of transitions during divorce, the loss of the pre-divorce father-child relationship is the most salient, and it is the recognition of this loss in particular which eventuates a process of mourning. Those non-custodial fathers who are able to establish a new relationship with their children in the critical period during divorce are, for the most part, able to come to some resolution of their grief; those who are unsuccessful in doing so, however, face pronounced ongoing difficulties (our focus in Chapters 5 and 6).

Grief reaction of non-custodial fathers. Individual fathers' adaptations to the consequences of divorce range across a continuum from those who are able to successfully negotiate terms of custody and access and go on to establish a new relationship with their children within the confines of "non-custody", to those who are unable to cope with the reality of the loss of the old relationship and fail to set about making a "new start". Each father's response across the continuum is unique but there are common threads: for the majority of non-custodial fathers, the experience of divorce contains all of the major elements of bereavement: an upheaval of one's pattern of life, a searching for the lost child, anger and outbursts of

rage, despair and an overwhelming sense of loss--but lacking the finality of death. Fathers described confused and frightened reactions as characteristic of the first stages of divorce, both in respect to relationships with their children and with other people; these were followed by feelings of anger, bitterness, and frustration, usually directed toward the former spouse, and often resulting from legal negotiations regarding custody and access or unsuccessful attempts to maintain contact with one's children; and finally, pervasive feelings of sadness, a sense of loss, loneliness, hopelessness and depression typified later stages.

Theories of attachment and loss, particularly those formulations characterising the bereavement process as comprising a series of phases representing some of the processes of adaptation to loss, provide a compatible framework for an analysis of non-custodial fathers' grief reaction. The classical framework outlined by Kubler-Ross (1953), based largely upon earlier attachment theory formulations, outlines five stages that individuals experience in resolving interpersonal separation when caused by death. Translated to marital divorce, in the initial stage of the grief process, the newly divorced father cannot fully comprehend the emotional investment he had and then lost in the marriage and family: denial functions as a temporary defence against the shock of divorce and the losses associated with it. When denial ceases, confronting the reality of the divorce brings forth anger and hostility, much of which becomes projected onto the former spouse, who is often held responsible for the divorce. The third stage, bargaining, may also constitute a common pattern of behaviour as fathers assimilate the reality of the divorce: active attempts to effect a reconciliation or passivity in the face of legal action taken by the former spouse toward legal divorce and custody of the children are common. In stage four, depression, a father's denial and anger are replaced by a feeling of great loss, as his emotional investment in his children and family is realised and their loss is fully assimilated. With time, a "working through" of the loss leads to some level of acceptance, the final stage of the bereavement process:

"As far as what fathers themselves go through, I'd read the Elizabeth Kubler-Ross book on the five stages of dying, and I'd noticed along the way that I was going through the same stages - disbelief, a lot of anger, grief - I've had a lot of that, a lot of crying, and then resignation, acceptance. Now death is a great stress situation, but the break-up of a family can be a type of death, it can be similarly stressful. Some people may be bloody glad, they may feel relief after separation - but it can also be, for others, the most stressful event in their lives. And I think the same five stages apply not just to dying, but to any great stress situation, including the breakdown of a family. If you look around, you can notice it to a greater or lesser degree in all kinds of people going through crisis situations". (Ontario "contact" father)

Wiseman (1975) outlined a grief process of divorce that builds upon the Kubler-Ross framework. First, within the marriage, one or both of the partners deny the existence of problems, and use this denial to maintain the relationship. When at least one of the partners realises the stress and initiates the divorce, feelings of loss and depression occur. As the reality of the divorce becomes established, depression is replaced by anger, prominent in the stage of custody, access, and financial determination. The fourth stage, "reorientation of life-style and identity", involves a changing of habits and redirection of energy toward "the reworking of identity in all areas touched by marriage: personal, vocational, sexual and social" (ibid :209). The final phase of acceptance occurs when "new patterns of interaction without the absent spouse have become firmly established" (ibid.:211). Kressell (1980) delineated four stages of divorce as part of a "general human adaptive mechanism": denial, mourning, anger and readjustment. He saw this coping process as consisting of four major periods: a pre-divorce decision period, decision period, a period of negotiation, and a period of re-equilibration, noting a lack of recovery of "non-initiators" as compared to the initiators of divorce.

Neither formulation, however, takes into account the unique loss of non-custodial fathers; the satisfactory resolution of the final stage of "acceptance," "reorientation of life-style and identity," or "readjustment" may be particularly problematic for those who are threatened with the loss of their children. In outlining their schema, neither Wiseman nor Kressell differentiate between women and men, those with or without children, or those with or without custody of their children. We would suggest that because of their "non-custodial" status, the majority of fathers experience divorce in a radically different way than do other groups of divorced men and women:

"You get into a routine, a certain family way of life which you value deeply. It's impossible to adjust if this has meant a lot to you and you've suddenly lost it. I would have accepted the separation if it was just my wife and I - the fact that there's a child makes it impossible to accept. It's a total, complete upheaval - losing my son to me means having lost everything in life. It's like a life sentence, it's like prison." (Scottish "disengaged" father)

Particularly in their responses to open-ended questions regarding their children and the father-child relationship, the fathers in the present study made frequent reference to their grief. Their responses reflect the fact that several years after the divorce, different fathers locate themselves at quite different stages of the bereavement continuum. A large number of fathers clearly had not reached the point of "acceptance" or "resolution"; many spoke of continuing depression and an

overwhelming sense of loss, with themes of isolation, loneliness, and a total upheaval of their lives:

"I can only talk about my own experience, because each case is unique. It's very, very hard on me. I walk around in a perpetual cloud. It's ruined everything for me - screwed up my work, screwed up my personal life - it was everything; it was my whole existence ... Oh God, it's left a kind of emptiness, a sadness. It's left a resignation that's almost Oriental. It's left a sort of cloud hanging on me ... I think an awful lot of people, when they meet me, think perhaps afterwards, 'There's something about that person but I can't put my finger on it'. But it's something tangible - because people have very strong reactions to it." (Ontario "disengaged" father)

"I don't think I'll ever stop hurting - it's hurt me ever since the separation, and I think it'll hurt me for the rest of my life. The whole thing has just been such a waste, such a sad waste". (Scottish "disengaged" father)

The grief of non-custodial fathers is also reflected in a high incidence of physical and mental health problems subsequent to divorce. Fifty-five per cent (44) of fathers reported new physical health problems, while 61% (49) described mental health difficulties they had not experienced prior to the divorce. Depression was mentioned directly by almost half the respondents, and a high proportion reported a number of depressive symptoms, such as sleeplessness, reduced energy, and poor appetite--all classical symptoms in bereavement and loss. Fathers were also asked if and to what extent the divorce had affected their work or career: 69% (55) reported serious negative repercussions; of these, 23 fathers cited health problems as contributing to their difficulties. These patterns did not differ between the Scottish and Ontario sub-samples.

Multiple losses. The number of fathers in our sample experiencing new physical and mental health problems, along with serious repercussions on their work or career, illustrates the degree of personal trauma that divorce entailed for them; our results complement those of earlier studies showing men to be particularly debilitated by divorce.

Like all divorced family members, fathers face multiple losses upon divorce. Bohannon's (1970) six "stations" of divorce can be seen to represent six distinct types of loss that occur simultaneously for all divorcing parents: the emotional divorce represents the process of mourning the loss of the marital relationship; the co-parental divorce involves the process of redefining the rights and duties of each parent, including custody, access and financial support, and the dynamics of the parent-child relationship of both parents are different than they were prior to the divorce; the legal divorce is the process of legal dissolution of the marriage which establishes the right to remarry; the economic divorce is the process of dividing the

joint property, and each spouse becoming a separate economic unit; the community divorce involves the severance of bonds and sources of support from social systems in the community and the establishment of new ones, recognising the new identities of the spouses from a couple to two individual units; and the psychic divorce is the process of each spouse developing an autonomous self-identity, differentiating him- or herself from the marital relationship as well as coping with feelings of failure and desertion. These and other losses are particularly pronounced for fathers, who typically face the simultaneous loss of their children, spouse, and dwelling place:

"One thing that very few people are really able to appreciate is that whoever it is who does not have custody, whoever it is who moves out of the home - that you are out there, you are in your flat or your room or whatever - you are away from your children, and your wife, and they are in a family home, in their familiar surroundings, your wife has the children there (be they crutches, or be they a great joy), but they are people who care about each other, they are a threesome, and you are the isolated one - that can be absolute desolation, and you really can't (whoever has the children can't) ever really, really even start to perceive how isolated one feels in the absence of your family. And that I think is perhaps the greatest tragedy of all. One may say verbally 'that's really difficult', but if you face that for 3 or 4 years, it's really a very hard cross to bear". (Scottish "contact" father)

Attachment theory highlights the role of concurrent stresses or crises and multiple losses in complicating the resolution of grief, as well as that of unanticipated losses--sudden, unexpected and untimely losses are most likely to be associated with difficult outcome than are anticipated losses (Parkes, 1986). As we have seen, divorce is a largely unanticipated event for a significant proportion of fathers.

The inhibition of emotional expression, largely a product of their socialisation, inhibits the "working through" of these multiple losses for fathers in particular. In the present study, many fathers, in describing their grief, talked of feeling compelled to disguise their symptoms and present a "facade of coping" to the world. They were unlikely to seek or obtain any kind of support at the time of divorce: only 28 (of 80) fathers made use of any type of social support, either informal (family or friends), semi-formal (work and community contacts), or formal (agencies and professionals). Fathers' grief after divorce may be intense, yet often is not readily recognised and supported by others, either within their immediate family or in the community. Normative and cultural factors discouraging the expression of grief in fathers, combined with inadequate or non-existent social supports after bereavement, are, according to attachment theory, also important contributors to poor outcome (Parkes, 1983).

Grief and child absence. Both men and women experience multiple losses upon divorce; for non-custodial fathers, however, divorce presents a role strain not comparable to that of mothers: the threatened or actual loss of their children. Of all potential adjustments, the most compelling problem for fathers is their pervasive sense of the loss of their children, and it is with the realisation of this loss in particular that the classical symptoms of bereavement become manifest.

Such a formulation is a departure from the current emphasis in the literature on the loss of the marital relationship as being most salient for divorced men (in studies not controlling for the presence of children in the marriage or for custodial/non-custodial status), which effectively ignores fathers' attachment bonds with their children. In arguing that the grief of fathers is directly and primarily linked to their experience of "child absence" above all other transitions faced during and after divorce, we would suggest that the most "at-risk" group of divorced men are non-custodial fathers of dependent children.

As our examination of the father-child relationship before divorce has indicated, fathers' emotional investment in and attachment to their children is extremely strong; for fathers divorce represents a threatened or actual loss of a primary attachment. This combination of attachment and loss, according to attachment theory, necessarily occasions a reaction of mourning. When attachment bonds are threatened, powerful attachment behaviour such as clinging, crying out, and angry coercion and protest are activated (Bowlby, 1977), whereas a full grieving process is the "normal" reaction to an actual loss (Parkes, 1983). The degree of bereavement is dependent on the strength of the attachment to the lost person: the more intense the pre-existing relationship between the two, the more complex the mourning and the greater the probability of poor outcome. Initial reactions of intense yearning (characteristic of those with previously intense attachments) are particularly strong predictors of poor outcome (ibid).

Fathers were asked what they considered to be the most difficult aspects of their relationship with their children following the divorce (Question 96)¹⁰ :

¹⁰ For the purposes of data analysis, a maximum of four negative aspects of the relationship were noted for each respondent.

TABLE 3.15 List of Negative Aspects of Post-divorce Father-child Relationship

Negative aspects identified	Number of Times Mentioned
No contact	29
Loss of paternal influence in child's life	24
Not enough contact (time constraints of present relationship)	9
Child's unresolved feelings regarding the divorce/continuing negative effects of divorce on children	9
Discipline and behavioural problems of child	9
Lack of daily paternal care/routine	8
Separating from each other after visit	8
General concern for child's welfare and development	8
Father relegated to "visitor" status/ not "real father"	6
Father feels like "intruder" in child's life	6
Father's depression/sense of loss	6
No negative aspects	7

The great majority of non-custodial fathers (73 of 80) indicated some form of difficulty in the father-child relationship after divorce. The very fact of no contact (29) or not enough contact (9) with their children was a prevailing theme, and while only 6 fathers made direct reference to their depression (in this open-ended question), the majority of the remaining responses were infused with a sense of loss, sadness, or hopelessness in regard to some aspect of the father-child relationship during and/or after the divorce.

In the period during divorce, with the sudden break in their pattern of contact with their children and the loss of familiarity in the father-child relationship, grief was a predominant reaction of the great majority of fathers in our sample. Subsequent to the period during divorce, however, there appeared to be significant differences in the course of "grief work" for fathers. While some remained "stuck" at some point along the bereavement continuum, others were able to successfully "work through" their grief and come to a level of acceptance of the loss. These differences were reflected in fathers' responses when asked about the positive aspects of their relationship with their children following the divorce (Question 97)¹¹:

¹¹ Maximum of two per respondent.

TABLE 3.16 List of Positive Aspects of Post-divorce Father-child Relationship

Positive aspects identified	Number of Times Mentioned
Closer bond/relationship	21
"Still a father"/continuing paternal influence in child's life	12
Continuing good bond/relationship	7
Luxury of having child to oneself/no interference from spouse	7
No positive aspects	34

A large number of fathers (34) replied that there were no positive aspects of their relationship with their children after the divorce; other fathers, however, reported a closer bond or relationship with their children after divorce, with some indicating that they now in fact had more (or more "quality") time together. Clearly, the outcome for fathers is not universally bleak; for many fathers there are positive outcomes of divorce vis-a-vis their relationship with their children.

4. Child Absence, Role Loss and the "Visiting" Relationship

Fathers' descriptions of the grief they experienced during divorce in relation to the loss of the pre-divorce father-child relationship referred to one or more of the following: the threatened or actual loss of their children in the form of insufficient or no contact; the loss of their paternal role; and problems with the new "visiting" relationship. We would suggest that these interrelated factors constitute the three essential elements of the grief of non-custodial fathers during divorce.

Child absence : loss or threatened loss of children. Child absence is defined by legal custody and access determinations and the actual amount of contact between fathers and their children during and after divorce: both *de jure* and *de facto* arrangements made during the initial stages of the divorce determine the level of father-child contact loss and fathers' perception of threatened loss¹². Parenting for

¹² We follow Greif's (1979) definition of child absence as "a concept that pertains to reorganisation of family structure as a result of a legal process (i.e. legal marital separation or divorce) and that eventuates in separation of parent and child" (Greif, 1979:312).

non-custodial fathers is circumscribed by legal access awards and what the custodial parent will actually allow. Upon divorce, non-custodial fathers face an abrupt discontinuity in the form of their daily contact: access is usually circumscribed on a schedule not of the father's own choosing, but often according to what is considered to be a "customary" pattern of twice a month overnight or weekends (Wallerstein and Kelly, 1980).

Fathers were asked how their children's absence affected them (Question 82)¹³. Eighty-five per cent (68 of 80) of fathers primarily indicated some type of negative effect, 3% (2) positive, 6% (5) both positive and negative, and 6% (5) neither positive nor negative (or no effect):

TABLE 3.17 Child Absence Effects

(Negative) Effects	Number of Times Mentioned
Depression/sense of loss	40
Constant worry/yearning for children	27
Reference to loss of paternal influence/ loss of daily routine with children	17
Isolation/"emptiness"	14
Facade of coping	9
Guilt	9
Reference to loss of "family life"	8
Generally negative/"bad in every way"	8
Powerlessness/hopelessness of situation	7
Like death/dying	7
Positive effects	4
Neither positive nor negative/no effects	4

Fathers' responses evidenced a full range of "grief-like" reactions to the absence of their children, with the majority indicating depression (50%) or depressive symptoms. Also frequently mentioned were feelings of isolation, guilt, anger, and constant worry--all representing different stages along the bereavement continuum:

*"I guess what's been taken away is my right to father my own son. It's like a constant stab in the heart. I feel anger and I feel hurt. My son has been stolen from me, as far as I am concerned, and there's no justification for it".
(Ontario "disengaged" father)*

¹³ Maximum of three per respondent.

"Lousy. Simply a great sense of loss. I miss them like hell. There's been a lot of time spent dwelling on the way things might have been, thinking about them and what they might be doing, even what they might be doing together. There's a lot of sadness. It's affected me very strongly emotionally. My life has taken a completely different direction - not one which I would have chosen - and given the opportunity I certainly would choose to go back to my old life. I feel that having developed this relationship with the kids that was suddenly cut off - and it's like losing part of my body". (Scottish "disengaged" father)

"I try very hard not to think about it. It's very painful. There's just nothing I can do. I just feel helpless - I can't do anything to help them and I can't do anything toward being with them. I can't be a part of their lives, I can't teach them anything, I can't have any influence on them. I don't know - it's like a different world - I'm in one world and they're in another". (Ontario "disengaged" father)

"Just like a sort of hole in your life, a loss, as if someone's died". (Ontario "contact" father)

Fathers were also asked for their perception of the effects of father absence on their children (Question 81)¹⁴. Seventy-nine per cent (63) primarily indicated some type of negative effect, 4% (3) positive, 4% (3) both positive and negative, 10% (8) neither positive nor negative (or no effects), and 4% (3) stating that they did not know:

TABLE 3.18 Father Absence Effects

(Negative) Effects	Number of Times Mentioned
No father/male figure	20
On emotional development	17
Depression/misses father	16
Not having day-to-day (routine) input of father/ not being with or knowing father on daily basis	12
Confusion/instability/insecurity	9
Child exposed to unhealthy or negative environment/living arrangement	9
On social development/behavioural problems	8
Child's perception of divorce and father absence : self-blame	8
No sense of "family"/being "part of a family"	7
On personality development/moral development	7
Mother's/other adults' negative influence	7
On intellectual development/academic problems at school	6
Positive effects	5
Neither positive nor negative/no effects	10

¹⁴ Maximum of three per respondent.

The majority of fathers perceived a variety of negative effects of father absence, often believing that their children's physical and mental health and emotional well-being were seriously at risk without fathers' regular involvement in their lives.

Fathers were also asked (in relation to the period during divorce) how they had thought the divorce would affect their children. Sixty-eight per cent (54) indicated having felt that it would effect them negatively, 5% (4) that it would have positive effects, 10% (8) both positive and negative effects, 9% (7) neither positive nor negative (or no) effects, while 9% (7) stated that (during divorce) they did not know what the short- or long-term effects would be.

Both perceived effects of father absence and perceived effects of the divorce on children were significantly related to initiator of divorce. Fathers whose wives had initiated the divorce were much more likely to indicate negative effects of father absence ($p < .001$) and negative effects of divorce in general on their children ($p < .01$). These results corroborate those of Wallerstein and Kelly: "How the parents saw their children during this post-separation period was often impossible to separate from their overriding need to justify their own role in the divorce" (1980:100). Fathers who initiated the divorce were more likely to perceive their children to be adjusting well and, conversely, those whose wives had been the initiators were more likely to regard their children as experiencing serious difficulty--although the majority of fathers in both groups perceived the effects of father absence and the divorce generally to be negative:

"I fear for my son's future, because of the mediocrity of his present existence; the moral vacuum; the lack of gentleness; the selfishness, materialism, and deceit that he's exposed to; the lack of stimulation and nourishment in his life; the fact that he's overindulged materially; the fact that he's been deliberately cut off from a primary source of love and sustenance in his life, which is denied and deemed unnecessary. And I worry about whether there is any real concern now for his well-being, insofar as the way he has been used to hurt me". (Scottish "disengaged" father)

"You have a sense of a tremendous unhappiness. You can see that they've been wounded. Well, when I saw them, their responses to me often depended on my ex-wife's responses to me - when my ex-wife was friendly to me, they'd be friendly; when my ex-wife was angry, all the anger that my kids felt about not having a father came to the surface and they didn't want to have anything to do with me. So their feelings towards me were really, really mixed - on the one hand sometimes they were warm to me, on the other hand they'd almost hate me. It was extremely hard to build up any relationship with them. They'd go through all kinds of phases - everything from being really clingy to me, very possessive, being afraid that I'd go away, to being cool and aloof. They had a sense of sadness about them, you could see it in their eyes, and they always seemed to have the need for the affection of a man, of a father - because they were always extremely close to me - always, especially my

older daughter. As soon as I'd come home from work she'd always scream, whenever she was in the house, as soon as she heard the door open, she'd go, 'Daddy!' and run the length of the house into my arms". (Ontario "disengaged" father)

"They have to seek images elsewhere. They feel they have to be more self-sufficient; they get more self-reliant. But they also feel hurt and lack the pride of being loved - they feel emotionally deprived. It affects their self-image - they figure if you don't see them, you don't love them". (Ontario "contact" father)

"I can only speculate as to what he might be going through. The fact of me not being there may be telling him that I may not care enough to go and see him. I know how much that little guy loved me, there was such a bond between us, and I'm very, very worried". (Ontario "disengaged" father)

Role loss. Related to the threatened or actual loss of one's children after divorce is the loss of a particular role or set of functions that together constitute the "father" role. The less a father's actual involvement with his child during divorce, the less his sense of having an ongoing parental role in the child's life. A clear danger of child absence, according to Greif (1979), is perceived role loss, leading to further withdrawal from the child. Child absence produces a significant change in a father's perception of his functioning as a parent, and this becomes self-reinforcing: fathers who see themselves as important in their fathering roles seek to continue these roles; fathers who do not perceive themselves as important in the fathering role are less motivated to maintain that role (Greif, 1979:313).

"I would say that there has to be a distancing in the relationship. The closeness that previously existed would be eroded. And I think even more basic than that, the children wouldn't really regard the father as being a father in the sense of that role - certainly not as somebody as important in their lives as their mother - which previously would have been the case. When you're living as a family, each parent is equally important, maybe in different ways, but equally important, in the lives of the children. Once you've left, the only person who's important in their lives is the mother - the father isn't there, and is somebody that they go to from time to time. That becomes a relationship they can live without ..." (Scottish "disengaged" father)

Greif (1979) measured fathers' perceptions of changes in the fathering role subsequent to divorce, and her classification of ten general roles that fathers perform vis-a-vis their children is replicated here. We have described fathers' perception of the degree of their influence in these areas before the divorce (Table

3.6); they were then asked for their present (post-divorce) level of influence in each (Questions 86 to 95):¹⁵

TABLE 3.19 Perceived Paternal Influence on Children After Divorce

Paternal Roles	Very high/high % (N)	Medium % (N)	Low/very low % (N)	No influence % (N)	Total % (N)
Routine daily care and safety	3 (2)	18 (14)	31 (25)	49 (39)	100 (80)
Intellectual development	13 (10)	14 (11)	31 (25)	43 (34)	100 (80)
Physical development	19 (15)	13 (10)	25 (20)	44 (35)	100 (80)
Personality development	16 (13)	14 (11)	29 (23)	41 (33)	100 (80)
Teaching behaviour / social skills	15 (12)	15 (12)	29 (23)	41 (33)	100 (80)
Emotional development	15 (12)	18 (14)	25 (20)	43 (34)	100 (80)
Religious development	14 (11)	8 (6)	30 (24)	49 (39)	100 (80)
Moral development	26 (21)	10 (8)	20 (16)	44 (35)	100 (80)
Giving child(ren) a feeling of being part of a family	26 (21)	5 (4)	23 (18)	46 (37)	100 (80)
Financial affairs of child(ren)	16 (13)	19 (15)	25 (20)	40 (32)	100 (80)

¹⁵ Pre-coded categories.

TABLE 3.20 Perceived Change in Paternal Influence (Before and After Divorce)

Paternal Roles ¹⁶	Increase %(N)	No Change %(N)	Decrease %(N)	Total %(N)
Routine daily care and safety	6(5)	5(4)	89(71)	100(80)
Intellectual development	8(6)	19(15)	74(59)	100(80)
Teaching behaviour/ social skills	3(2)	21(17)	76(61)	100(80)
Personality development	6(5)	21(17)	73(58)	100(80)
Emotional development	10(8)	18(14)	73(58)	100(80)
Giving child(ren) a feeling of being part of a family	11(9)	16(13)	73(58)	100(80)
Physical development	5(4)	28(22)	68(54)	100(80)
Financial affairs of children	6(5)	28(22)	66(53)	100(80)
Moral development	13(10)	28(22)	60(48)	100(80)
Religious development	6(5)	44(35)	50(40)	100(80)

Greif's study (which included a number of joint custody fathers in a sample of 40 middle-class fathers who all had **some** level of post-divorce contact with their children) concluded that divorced fathers as a group do not perceive a change in paternal influence after divorce, with the exception of a significant decrease in "making children feel part of a family". The present study, more representative of the non-custodial father population insofar as half the sample was comprised of "disengaged" fathers (equal to the proportion in the general population), with the remaining fathers having a range of levels of contact with their children, produced quite different results: in all ten areas of parental functioning, non-custodial fathers as a group ranked their influence on their children as significantly lower after the divorce, compared to their pre-divorce level. Of particular interest is the fact that the most marked decrease was in the area of routine daily care and safety of children.

Fathers were also asked about their perception of their parenting abilities now, after the divorce, as compared to during the marriage. While fathers reported a marked loss of influence in all major areas of their children's lives and in their actual role as parents, they also generally felt that in spite of this, their parenting **abilities** had remained intact and, given the opportunity, they would be able to function as effective parents.

¹⁶ Paternal roles are listed in order of amount of decrease in influence.

The "visiting" relationship. For non-custodial fathers, the development of a new type of parental identity is crucial in reaching a level of acceptance of the loss of the pre-divorce father-child relationship and a resolution of the grieving process. It is through established access arrangements (or the "visiting" relationship after divorce) that the non-custodial father can develop this new identity.

The re-definition of one's role as a parent has been identified as one of the most difficult tasks of the non-custodial parent. The non-custodial parent-child "visiting" relationship

"has no counterpart, and therefore no model, within the intact family. Its parameters, its limits, and its potentialities are new and remain to be explored ... The parent who moves out of the household begins a new role for which there is no dress rehearsal and no script ... A visiting relationship between parent and child is strange by its very nature" (Wallerstein and Kelly, 1980:121-123)

There is little formal assistance available to non-custodial fathers to help them learn what this new role entails and how they might exercise it in the best interests of their children: where to meet, how often to visit, how long to visit, the number of children visiting at one time, and what to do during the visit. At another level, fathers are faced with how to relate to their children: what to talk about, what to share of their own lives, how to exercise discipline and manage their children's behaviour, and how to deal with the various emotions surrounding the visit. Fathers must restructure their previous relationship with their children along unfamiliar dimensions: the post-divorce father-child relationship is structured by the arranged patterns and constraints of the "visits"; the structure itself sets the limits for the new relationship (ibid:121).

Fathers were asked how the "visiting" relationship had affected them (Question 80)¹⁷. Eighty-four per cent (67 of 80) of fathers primarily indicated some type of negative effect, 9% (7) positive, 3% (2) both positive and negative, and 5% (4) neither positive nor negative (or no effect):

¹⁷ Maximum of three per respondent.

TABLE 3.21 "Visiting" Effects on Fathers

(Negative) Effects	Number of Times Mentioned
Feel like "visitor" or "uncle" in child's life/not "real father"	29
Depression/sadness/sense of loss	26
Artificial, unnatural, strained nature of visits	17
Difficulty separating from child after visits	16
No influence in child's life	15
Generally painful to visit	15
Constant worry/guilt when child not present	9
Loneliness/miss day-to-day contact and routine	9
Positive effects	9
Neither positive nor negative/no effects	4

Fathers identified a variety of constraints in "visiting", with the greatest number describing the avuncular nature of the relationship and the fact that "visiting" in no way constituted "real fatherhood".

"I think it's devastating on the father because if the father is a truly loving person he wants to care and be part of the nurturing of the children - and just visiting is not doing that. Fathers need to know that they can provide a home for the children. Just going out and visiting, the father is not performing a fathering role - it's more like a friend role. And children need more than a friend in a father". (Ontario "disengaged" father)

"There's a tremendous feeling of frustration, a great sense of loss in contributing really very little to the lives of the kids. Missing the stages of growing up. All sorts of day-to-day things which are part of normal family life - being familiar with the kids' progress in school, their friends, their interests, even things like what they like to eat. All these little things sort of build up into the blocks which form a relationship - and suddenly all those blocks are removed. And it gives you very little on which to really build a relationship". (Scottish "disengaged" father)

Most spoke of their dissatisfaction with becoming mere "visitors" in their children's lives. Several referred to the pain of the visits themselves, and the artificial and strained atmosphere surrounding the visits. Without a day-to-day familiarity, fathers and children experienced an awkwardness at the start of each visit; saying "goodbye" was a particularly painful reminder of the loss of living with each other on a full-time basis:

"I'm crushed when I have to take him home. A weekend isn't enough. I feel like I'm abandoning him when I have to take him back - it's like I feel I'm constantly wounding him each time. But I'm not abandoning him by choice - it's because I have to". (Ontario "disengaged" father)

"It had a devastating effect on me. I had to readjust to the fact that I really did have two sons, but who were not close to me any more. When they came we were able to get close, but the heartache would really begin when they had to leave. I mean, that feeling has never ever left me. Everytime I had to say 'Cheerio' to those boys, they were in agony, their hearts are in turmoil, and so is mine. I just find it all so sad - it's total agony and turmoil". (Scottish "disengaged" father)

"It's heartbreaking, actually. It's very different to go and see them and then walk away, and to know that you can't put them to bed at night, see them get up in the morning and go away to school, to see Susan starting school next year for the first time, you're not going to see her in her school uniform for the first day of school, and now Christmas is coming up, which is going to be a very bad time for me, it's going to be really difficult. In simple terms, it just cracks you up. Just visiting them is like reliving the separation over and over. I know often I feel I don't want to see them at all - but I know I do". (Scottish "disengaged" father)

Fathers were also asked how they perceived the "visiting" relationship to have affected their children (Question 79)¹⁸. Sixty-four per cent (51) of fathers primarily indicated some type of negative effect, 10% (8) positive, 15% (12) both positive and negative, and 6% (5) neither positive nor negative (or no effects). Four per cent (3) of fathers stated that "visiting" effects depended on the nature of the post-divorce relationship between the parents, while one father indicated that he was not aware of the effects as he had no contact with his children:

TABLE 3.22 "Visiting" Effects on Children

(Negative) Effects	Number of Times Mentioned
Depression/sadness/misses father	17
Difficulty separating from father after visits	17
Generally painful to visit	17
Artificial, unnatural, strained nature of visits	15
Confusion/instability/insecurity	13
Disengagement or emotional withdrawal of child from father/father seen as "intruder" into child's routine	10
Child overindulged during visits	10
Distorted perception of "father"/perception of father as "uncle", "brother", "friend" or "visitor"	6
Behavioural and discipline problems/"lack of respect" of father	6
Positive effects	26
Neither positive nor negative/no effects	5

¹⁸ Maximum of three per respondent.

Although the majority of fathers reported primarily negative effects of "visiting" on their children, more fathers reported positive effects on their children than on themselves; they also reported higher levels of negative effects of father absence on their children (Table 3.18) than of "visiting". The "father absence" element was identified as one of the most problematic aspects of the "visiting" relationship for children. In general, fathers tended to ascribe similar effects of "visiting" on their children to those on themselves: sadness, depression, and a sense of loss; difficulty separating after visits; the pain of the visits; and the artificial, unnatural and strained nature of the visits:

"I think it's highlighted when I have to return them: the child screaming on the doorstep, and it's tearing your heart out, and all you can do is to give him a hug and a kiss and say, 'Goodbye, be a good kid, I'll see you soon'. I really think it's never enough ..." (Ontario "contact" father)

Fathers' desire for their children not to be hurt or unhappy, feelings of guilt, and fear of children's disapproval, anger, or rejection, often led to fathers playing the stereotypical "Santa Claus" role (which they perceived to be highly unsatisfactory), with visits involving entertainment and gifts, and fathers being generally unwilling or unable to discipline their children:

"I think it affects them greatly - it's torture on them. I've seen so many times when a father has to bring his son back, and his son doesn't want to go back. The father has such a short time with his child, he spoils him rotten - because the environment has made him that way. If the father was with the child on a day-to-day basis, the child wouldn't be so spoiled and overindulged, and unhappy all the time about having to leave his father, and not being with his father ... In the long term, a child can grow up to hate the mother, or the custodial father - and the reason I say that is that everytime the child gets a weekend with dad, dad spoils him, whereas he goes back to mom, and mom makes him do his homework, clean his room - and dad doesn't. So as he grows up the child develops a picture in his mind which says, 'Dad's the good guy, mom's the bad guy'". (Ontario "disengaged" father)

In sum, the most salient characteristic of the divorce experience of non-custodial fathers in general is the fact that the great majority of fathers, as a consequence of the absence of their children, loss of their previous parental role, and the constraints of the new "visiting" relationship, experience a bereavement of sufficient strength to produce new physical and mental health problems. There were no differences between the Scottish and Ontario subgroups in this regard; the intensity and course of the grieving process of non-custodial fathers was equivalent in both locales. Clear differences did emerge, however, between the "contact" and "disengaged" sub-groups: our focus in Chapter 5.

CHAPTER 4

Socio-legal Context of Divorced Fatherhood

The present chapter considers divorced fatherhood from a socio-legal perspective, examining the legal issues surrounding divorced fathers and families in the first section, including child custody and access determination, problems with the adversarial approach vis-a-vis custody and access resolution, and alternatives to litigation and alternative child custody options; and detailing the experiences of non-custodial fathers with solicitors and the legal system in the second, including the determination of child custody and access arrangements and fathers' satisfaction with same, and the issue of fathers not contesting custody via judicial processes. The chapter outlines the second main finding of the study: the maintenance of a meaningful post-divorce father-child relationship, involving at least partial physical custody, is what most fathers ultimately desire; they attribute the discouragement and fundamentally adversarial approach of solicitors and the legal system as primarily responsible for their failure to obtain such an arrangement.

1. Socio-legal Context of Divorce and the Father-child Relationship

As divorced fathers cannot be understood apart from the family system, so they cannot be understood apart from the social context in which divorce takes place. During the past two decades, both Britain and Canada have experienced an enormous increase in divorce rates and radical changes in divorce laws, with substantial liberalisation of the grounds for divorce. In both jurisdictions, statistics indicate that one marriage in three currently ends in divorce, with 60% of divorces involving children under 16; the total number of children affected by divorce has more than tripled since 1960 (Social Trends, 1987; Bala, 1987); and although projections vary considerably and there is evidence of a levelling off in divorce rates, it is estimated that between 30 to 50% of children will, at some point before their sixteenth birthday, find their parents separating (Weiss, 1979c; Richards and Dyson, 1982).

In both Canada and Great Britain, there has been a clear movement away from a custodial law overtly based on gender and notions of marital fault, to one which is theoretically gender-neutral and which de-emphasises fault. Although the equal rights of both parents to child custody are recognised, with the gender-neutral standard of the "best interests of the child" adopted in principle as the guiding legal doctrine in deciding custody and access arrangements, in the large majority of cases sole maternal custody continues to prevail. Percentages vary and can be misleading,

but most estimates show that in 80 to 90% of cases involving children under 16, custody is awarded solely to the mother (Maidment, 1984; Bala, 1987).

That this has not always been the case is treated at length in numerous accounts in the literature on the history of child custody and litigation; until the last part of the 19th century, Judeo Christian and English common law, under the rubric of *patria potestas*, had demonstrated a clear paternal preference, rooted in the presumption of the child as property and reflecting the view of fathers as the determiners of lineage, power and wealth (Charnas, 1982).

During the first part of the 19th century, English courts began to recognise that parenthood involved not only rights and privileges, but also responsibilities for the welfare of children (reflecting philosophical shifts originating several centuries earlier). Children had become valuable as income-producing workers in factories and mines during the Industrial Revolution; the exploitation and abuse of children was extraordinary during this period. The Anglo-Saxon court broke the tradition of non-interference in 1839 with the Talfourds Act. The doctrine of *parens patriae* was established, giving the court jurisdiction over the welfare of children under the age of seven, including the power to decide custody. By the end of the 19th century, the court was empowered to assume jurisdiction over all minors. The determination of parental fitness played an increasing part in custody decisions during this time, a reflection of the growing recognition of a child's legal right to status apart from the parent. The issue of moral fitness in particular became an integral factor in divorce proceedings; the marriage "contract" had to have been proved to have been dissolved by some "breach of contract" or fault on the part of one of the partners, and this evidence was available for use in custody determinations (Noble, 1983).

Although the father was still generally regarded as the preferred parent through the first two decades of the 20th century, some courts and judges were beginning to reverse their preferences. In the determination of custody, the courts began to consider such factors as age, sex and health of the child; if the child was very young, the courts perceived the mother to be the more appropriate caretaker. The rather vague phrase "tender years" began to appear in several court opinions; the presumption that children of "tender years" (12 and under) should be awarded to the mother--with the father providing financial support--began to be written into civil codes in the early 1920s.

The "tender years" doctrine was followed by the "best interests of the child" standard and it was the frequent use of the "tender years" and "best interests" standards by judges that eventually resulted in mothers' superior right to custody (Derdeyn, 1977). Moreover, whereas fathers' rights to custody had been based

upon financial advantage and the tradition of English law, mothers' rights to custody were based upon a moral assumption that mothers were superior caregivers for young children (Oster, 1965).

Child Custody Legislation. Present day child custody legislation, then, can be clearly traced through important developments during the past century: the 19th century court's increased involvement and latitude in deciding the fate of children; the shift in emphasis from the father's absolute to his contingent rights; the increasing consideration of the age of the child and regard for children's best interests; and the growing assumption that mothers were the appropriate caretakers of children. Initially, children's youth provoked a temporary presumption in favour of the mother; in time that presumption became permanent in legal practice.

It is important to note, as Weitzman (1985) points out, that maternal preference has emerged through judicial precedence rather than by statute. Most statutes today do not give preference to one parent over another, but instead require that custody decisions be made on the basis of the child's "best interests". Custody awards are made at the discretion of the court and, for the most part, judges' actions have reflected the perception that children's best interests are indeed best served by maternal custody, particularly prior to adolescence. Thus the traditional 20th century guidelines (or "ideas in good currency") for establishing the "best interests of the child" dictate that the young child should be placed with the mother and that there should be rights of access to the non-custodial father, except in cases of potential harm to the child (Derdeyn, 1976). The standards designed to insure the "best interests of the child" have strongly supported a maternal custody presumption.

While in Britain and Canada 80-90% of custody awards are made solely to mothers, it has been noted that "in over 90% of divorce cases, the family determines who will have custody of the children before the legal process is initiated ... thus it is the family and, more particularly, the husband and wife, who make the decisions" (Little, 1982:2). In both Britain and Canada, the great majority of child custody decisions are made out of court; only about 10% fail to reach an agreement and are contested: in Britain, Maidment (1976) found that 12% of fathers initially contest custody, while Eekelaar and Clive (1977) indicated that only 6% contest at the final divorce hearing. Prior agreements between separated parents are almost always approved in court (Polikoff, 1982; Eekelaar and Clive, 1977); a central finding of Eekelaar and Clive (1977) was that "the divorce process itself leaves the position of all but a fraction of children of divorce totally untouched". In the vast majority of cases, the court appears to simply ratify the existing arrangements made by the

parties. Thus, Polikoff (1982:184) argues that in fact most children remain with their mothers by mutual consent:

"The final court award, rubber stamping the arrangement of the parties themselves, does not reflect a bias on the part of the court system toward mothers because the court system plays an entirely passive role."

It would appear from this, as Goode (1956) speculated, that most fathers are happy to have custody given to their wives because this arrangement best fits the social role of the father, men's lack of skills and relative inexperience in child-care techniques, and the time required for ongoing pursuit of men's occupational commitments. In the same vein, many recent investigators (Polikoff, 1982; Eekelaar and Clive, 1977) conclude that the 90% rate of uncontested child custody cases reflects a combination of men's desires (or lack of interest in custody) and pressure of role and reality issues, as men are "more likely to be employed, more likely to have a higher status job and be somewhere in a career progression, and more likely to be earning a larger income" (Gersick, 1975:47).

A closer scrutiny of **contested** cases of child custody, however, provides an alternative explanation for the relatively low levels of legally disputed cases. Courts continue to grant maternal custody and care and control of children to mothers in the great majority of contested cases; for those custody disputes which do reach court, there appears to be an assumption within the legal system that the real issue is the tolerable fitness of the mother, not the best potential parent (Franklin and Hibbs, 1980). Of the 39 custody contests in the Eekelaar and Clive (1977) study, custody was awarded to the father in only four cases; a recent Statistics Canada report indicated that mothers obtain custody in 85% of both contested and uncontested cases (Bala, 1987). A number of other British and North American studies (including Hagen, 1988; Franklin and Hibbs, 1980; and Miller, 1979) reveal that in approximately 90% of **contested** cases, mothers receive sole custody, although this proportion is dropping in many jurisdictions through the United States, most significantly in California (Weitzman, 1985). According to Richards (1982b:36), in "almost all cases where a man does get custody, it is because their spouses have agreed to this, or because the wife has left the matrimonial home and has not maintained contact with the children". Though legal statutes do not favour mothers or fathers as potential custodial parents, in practice mothers continue to be granted custody in disputed cases.

Although judges themselves decide custody in only a small minority of custody and divorce hearings, the decisions they make affect a much larger proportion of the "agreements" made out of court. Contested cases define legal norms; the

repercussions of contested cases of child custody go well beyond the cases themselves, insofar as they serve as a baseline for the legal determination of all cases of custody disagreements, including the balance of uncontested cases: they collectively form the basis of a body of law upon which others are advised (Lowe, 1982). According to Gersick (1975), those men who actually file for custody and force a court decision are not representative of all the men who want custody of their children: the actual percentage of fathers who want custody is likely much higher than the number of men who take their case to court.

Weitzman (1985) lends empirical support to Gersick's statements. In her sample of recently divorced couples, 57% of divorced fathers reported that they wanted custody of their children after divorce, an astonishing figure, according to Weitzman, in light of the fact that only 13% actually requested custody on the divorce petition. In a recent British survey of divorced couples, only 10% of the divorces involved contested custody, but 30% of the parents reported "strong disagreement" with each other over the issue of custody (Davis et al, 1982). James and Wilson (1984) found that actual decisions regarding with whom children should live after divorce were reached by mutual agreement by only 62% of divorcing couples, with the process being described as amicable in only half of those cases. They concluded that the absence of a contest over custody should not necessarily be taken as an indicator of absence of disagreement over child custody.

The influence of judicial precedence in the custody-seeking decisions of fathers is beginning to be documented; and a strong general dissatisfaction with an unsympathetic system which acts as a barrier to men wanting at least partial child custody is being described (Ambrose et al. 1983; Roman and Haddad, 1978). The present study considers the role of solicitors in transforming fathers' aspirations regarding custody of their children, and speculates about the influence of judicial precedence in influencing solicitors' attitudes and behaviour.

It appears, then, that absolving the judicial system of a maternal preference in regard to child custody on the grounds that the courts simply ratify prior arrangements made by the parties is erroneous: in the great majority of contested cases, custody is awarded to the mother. Given this fact, however, a number of legal scholars have argued that the courts simply ratify the *status quo* in terms of *de facto* custody arrangements; that is, the major factor taken into account by the courts in determining child custody is the avoidance of disruption of the child's present residence (Eekalaar and Clive, 1977), and that mothers are granted custody because their children are already in their care and control. Stress is placed by the courts on the continuity of care; the parent who has care for a significant period of time

following divorce (separation) is likely to retain custody: maintenance of the *status quo* is paramount (Eekalaar and Clive, 1977; Kronby, 1984).

There appear to be serious flaws, however, in the "*status quo*" position as well. First, the general advice of solicitors to parents who want custody of their children after divorce is to keep the children, from the point of divorce (separation), away from the spouse (Kronby, 1984; Ambrose et al. 1983); a high premium is placed on keeping custody from the first available moment so that a history of "continuity" can commence. Vying for control over the child at the earliest stage of divorce thus becomes essential and the parent who manoeuvres the child into his or her possession at the time of the custody or divorce hearing will have a strong advantage (Folberg, 1981); and a parent may try to obtain the actual custody of a child by undesirable means before a court hearing in order to establish the *status quo* (Richards, 1982b). The parent who has actual custody of the child may attempt to delay the custody hearing so that the period of this custody is as long as possible (Maidment, 1984). Post-divorce "*status quo*" legal determinations take no account of pre-divorce parent-child relationships (and parents' previous involvement with or attachment to their children), only the pattern established immediately after divorce.

The "*status quo*" argument fails entirely, however, in light of evidence indicating that whereas when children are living with their mothers at the time of the interim custody or divorce hearing it is extremely rare for the courts to upset the *status quo*, when they are living with their fathers the *status quo* is not such a potent force (Search, 1983). Maidment (1976) examined British Court of Appeal decisions and found that in the 14 of 19 cases where children living with their father after divorce were removed and placed in their mother's custody subsequent to the hearing, "there appeared to be no reasonable explanation for the custody order except favouritism to the mother". According to Lowe (1982), the "mother-factor" generally outweighs the *status quo* consideration: empirical evidence shows that the courts are more likely to disturb the *status quo* when children are living with their father. In Britain, judges are also more likely to seek a welfare report when fathers have care of children, and more likely to declare themselves not satisfied with proposed arrangements of paternal as opposed to maternal custody (Murch, 1980). Such practices are consistent with stated judicial attitudes toward alternative custody arrangements: sole maternal custody is the overwhelming choice of the judiciary as the preferred custodial arrangement (Felner and Terre et al, 1985).

A variant of the "*status quo*" argument asserts that by awarding sole maternal custody, courts are simply upholding a primary caretaker presumption based on the

traditional role of mother as the sole or primary caretaker of children, particularly during their early years. The "mother as sole caretaker" position does not always, however, reflect reality; there is in fact a heterogeneity of "mothering" as well as "fathering" roles within families. Further, despite being exposed to generally lower levels of paternal involvement, children form strong attachment bonds with both parents, and fathers are extremely salient individuals in their children's lives and development (Rutter, 1972; Lamb, 1981): the assumption that fathers have no salient role to play in their children's lives is, as suggested earlier, highly erroneous.

Problems with the adversarial approach. The legal/judicial mode of child custody and access resolution may be seen as comprised of three elements: the nature of the litigation model itself; the actual practices of solicitors and the courts in regard to issues of custody and access; and the experience of the participants themselves in the process (examined in Section 2 of this chapter). Some legal scholars (Eekelaar, 1984; Eekelaar and Clive, 1977) have suggested that while the litigation model in itself may be adversarial, developments in divorce law have resulted in procedural changes to the extent that the law as practised is not adversarial at all but administrative, or mediating. However, while developments in both British and Canadian divorce law, most notably simplified procedures, changes in the pattern of grounds for divorce, and the notion of "no-fault" divorce, have certainly represented a movement away from an adversarial model, an adversarial approach still forms the basis of procedure in matters of custody and access, particularly in disputed cases (Murch, 1980). With the introduction of no-fault divorce, child custody is left as the only sphere in which "fault" is still relevant (Weitzman, 1985; Ambrose et al. 1983), where contested cases involve a prolonged litigation process of filing bitter suits and countersuits (Kressel et al. 1978) and represent "some of the most volatile, hostile, and destructive transactions in court" (Coogler, 1978). In **uncontested** cases, where judges may simply "rubber-stamp" decisions made prior to the court hearing (an administrative function), the process of negotiation leading to such decisions may be highly adversarial: the formal bias of the legal system in viewing one party as the "pursuer" or "plaintiff" and the other as "defendant", the use of threats and counter-threats filed by both parties in the form of affidavits, and the behaviour of solicitors (such as preventing spouses from communicating directly with each other and breeding suspicions vis-a-vis the opposing party) have all been associated with escalation of conflict (Saposnek, 1983; Ambrose et al. 1983).

According to Irving and Bohm (1981), solicitors' partisan interest is a critical component of the adversarial climate surrounding divorce, and solicitors' objective appraisal of the marital situation is necessarily limited by the professional injunction that they deal with only one of the spouses. Many solicitors perceive reconciliation as a threat to the partisan advocacy which they offer to their clientele and tend to steer clients away from such a consideration, whereas a tendency to overidentify with a client who often wishes to use the adversarial system as a vehicle for retribution is common (Kressel et al. 1978). For divorced men, anger and revenge against their wives seems to be a motive of some who contest custody, while others use the threat of contested custody as a route to economic gain, extracting financial concessions from their former spouses (Weitzman, 1985). Finally, the legal process has no effective mechanism to take children's needs into account (Smith, 1981), and emotional factors in relation to the divorcing client and family are rarely considered. The training of solicitors and judges poorly equips them to handle the psychological and interpersonal issues in divorce (Irving and Bohm, 1981).

The criterion, "best interests of the child," has focused on children's needs as the paramount consideration in awarding custody; here the emotional and developmental needs of children are coupled with children's rights. Despite this criterion, the judicial system has largely overlooked the rapidly increasing knowledge about children of divorce and their developmental needs. In practice, courts continue to subscribe to the notion that it is psychologically important that children be in the exclusive care of one parent, and the legal resolution of custody and access disputes assumes the characteristics of a competition between the parents; whereas, as we have seen, it is now thought that the two most important factors determining the adjustment of children to divorce are the ongoing and consistent involvement of both parents with their children, and the parents' ability to co-operate in their ongoing parenting roles. Child psychotherapists are constructing a new model of child development which lessens the traditional emphasis on mother-child bonding and broadens the focus to take account of the importance of the father and significant others. Further, developments in systems theory have expanded our understanding of the nature of human dysfunction to embrace a larger view in which the disturbance of the individual is seen in the context of the significant system in which the person lives: it is now recognised that the "best interests of the child" are inextricably linked to the "best interests of the family."

Current responses of the legal system to ascertain the "best interests of the child" have included the provision of legal representation for children, court-

ordered social investigations, and the use of mental health professionals as expert witnesses. Each of these, however, has been shown to have detrimental effects; each involves reform within the adversarial system and therefore does not deal effectively with the inherent shortcomings of judicial resolution (Smith, 1981). Each reform has in fact tended to exacerbate the adversarial climate (Irving and Bohm, 1981; Franklin and Hibbs, 1980) and a strong depressive element is often observed in children who directly participate in the legal process and express a custodial preference, through their own legal representative, no matter which parent is granted custody. This choice further divides the child's loyalties and he or she then must live with the fantasy of responsibility for the parental divorce (Franklin and Hibbs, 1980).

Alternatives to the adversarial approach. The numerous difficulties inherent in an adversarial approach to custody and access resolution, combined with accumulated research data showing that a cessation of inter-parental conflict is critical to children's post-divorce adjustment, has led many to conclude that the legal process is a largely unsatisfactory means of determining post-divorce arrangements for children. Of the alternative mechanisms of dispute resolution--adjudication, arbitration, and conciliation--conciliation has been identified as the most appropriate alternative to litigation in family and custody disputes.

Although definitions and descriptions vary, there is general agreement that conciliation, mediation, or "negotiation assistance" is "a process of resolving disputes in which a neutral third party assists the disputing parties to reach a mutually acceptable solution" (McWhinney, 1988:34); whereas adjudication and arbitration, like judicial resolution, impose on the family an outside decision-maker's notion of their "best interests", conflicting with some commentators' emphasis on "family self-determination" as essential for stable parent-child relationships after divorce (Smith, 1981). Perhaps the most unique feature of conciliation is that it requires the co-operative participation of the disputants, and in doing so pre-empts a "win-lose" attitude, and affords divorcing spouses, when they most need it, an occasion for some degree of goodwill, while allowing for as much accommodation, flexibility, and creativity as they are capable (ibid).

The goals of divorce conciliation are outlined in Irving et al (1981:42), who define conciliation counselling as

"a form of family intervention involving both spouses seen together and designed to achieve one or more of the following outcomes: reduce the level of real or perceived conflict between spouses; facilitate communication between spouses, either in general terms or about specific issues problematic for them; transform an amorphous problem into a resolvable

issue; suggest problem-solving strategies as a viable alternative to litigation; provide the most efficient use of the legal system; and optimally help the spouses achieve a written agreement concerning one or more disputable issues or problems".

To do this, the process of conciliation counselling is usually highly structured, in terms of setting the context for negotiation and proceeding through identifiable stages, from gathering information to reaching and drafting an agreement (Saposnek, 1983). The main strategies of conciliation include those designed to elicit co-operation between the parents, as well as skills and techniques for managing conflict (ibid). Parkinson (1987) identifies the main tasks of conciliation as simultaneously engaging both partners to work on a mutually agreed agenda, as early as possible in the course of separation; providing space and structure; redefining roles within the family, and in particular separating the parenting from spousal roles; and utilising a pragmatic, short-term, task-centred problem-solving approach vis-a-vis custody and access disputes.

The essential differences between a co-operative (conciliatory) and a competitive (adversarial) process have been succinctly outlined by Deutsch (1973). In relation to communication, whereas a co-operative process emphasises open and honest communication of relevant information between participants, a competitive process is characterised by either lack of communication or misleading communication. In the realm of perception, a co-operative process tends to increase sensitivity to similarities and common interests while minimising the salience of differences; a competitive process tends to increase sensitivity to differences and threats while minimising the awareness of similarities. Competition may produce a bias toward misperceiving the other's neutral or conciliatory actions as malevolently motivated, rather than the bias induced by co-operation to see the other's actions as benevolently intended. In respect to attitudes toward the other, a co-operative process leads to a trusting, friendly attitude, and it increases one's willingness to respond helpfully to the other's needs and requests, while a competitive process leads to a suspicious, hostile attitude, increasing one's readiness to exploit the other's needs and respond negatively to the other's requests. Finally, as far as task orientation is concerned, the enhancement of mutual power and resources becomes an objective in a co-operative process. Co-operation leads to the defining of conflicting interests as a mutual problem to be solved by collaborative effort, and facilitates the recognition of the legitimacy of the other's interests and the necessity of searching for a solution that is responsive to the needs of all. A competitive process, on the other hand, stimulates the view that the solution of a conflict can only be one that is imposed by one side on the other. The enhancement of

one's own power and the minimisation of the legitimacy of the other side's interests in the situation become paramount.

Although Deutsch was writing about the general nature of interpersonal conflicts, the relevance to inter-spousal disputes upon divorce is striking. Resolving issues of custody and access by a co-operative approach has obvious qualitative benefits for children and families that cannot be achieved through competitive procedures, including increased chances for continued co-operation and communication between the parents, reduction of ongoing conflict as a result of both parents perceiving themselves to be on the "same side", and an attitude of mutual flexibility in problem-solving.

The growing literature on conciliation counselling has highlighted a number of benefits over litigation. Kressel (1979) identifies a better opportunity for the parties' needs to emerge and be accommodated during negotiations, an increase in their sense of competence, self-determination and mastery, the development of problem-solving skills in dealing with one another which will be of value during the post-divorce period, the creation of a greater sense of "ownership" of the agreement and hence an increased probability of adherence to it, and an appreciable reduction in legal fees. Smith (1981) stresses that parents are usually open to change in their behaviour toward their children and each other, and that conciliation can utilise this willingness to diffuse anger and resolve underlying emotional issues. Mnookin and Kornhauser (1978) stress the benefits of conciliation for children: parents are more knowledgeable about a child's needs, desires and circumstances than a solicitor or judge, and conciliation is more likely to result in ongoing post-divorce relationships between children and both of their parents.

As conciliation proponents have argued for its wider implementation as either an adjunct or an alternative to the litigation process (Parkinson, 1987; Folberg and Taylor, 1984; Saposnek, 1983; Irving et al. 1981), conciliation counselling is emerging as a discipline in its own right, combining therapeutic strategies with techniques of conflict resolution. There has, however, been considerable debate in relation to a number of practice issues. What types of services are best suited to family / divorce-related issues? Conciliation services can be court-based or independent, with distinct advantages and disadvantages in each case. The issues of confidentiality and privilege have provoked considerable discussion--should conciliation be open or closed? Who should be the conciliators, and what practice standards and training criteria should guide their work? Which divorce-related issues are best dealt with by conciliation, and which by more traditional legal approaches? Should the financial aspects of division of property and support

payments be included in conciliation or left within the legal arena? Is conciliation more cost-effective than litigation, and what forms of public and/or private funding should obtain? Conciliation can be voluntary or involuntary and the issue of mandatory mediation is contentious. What are the specific contraindications to conciliation? Should conciliation adopt a neutralist or interventive stance? While some theorists espouse an educative function for the conciliator, others take a more limited focus in viewing conciliation as strictly helping to resolve disputes between couples regarding custody and access. Should conciliation be therapeutically-oriented or structured strictly toward settling disputes? The involvement of children and significant others in the process of conciliation represents another area of disagreement among practitioners, as does the participation of solicitors. Concern has been expressed about conciliation reinforcing unequal power relationships between the parties, where women in particular may be at a disadvantage. Finally, the field of conciliation derives most of its concepts, and hence its terminology, from the disciplines of law and social work, creating considerable confusion: the differences between conciliation and reconciliation, conciliation and marital or family counselling, and conciliation and divorce counselling are often unclear. (Each of these issues will be examined in our discussion of therapeutic and policy recommendations in Chapter 7.)

Alternative Child Custody Options. As we have seen, the great majority of legal custody determinations, contested and uncontested, take the form of maternal custody with paternal access provisions. In recent years, however, novel custodial formulae have evolved outside the judicial system as alternatives to traditional arrangements, instituted in the main by families themselves (Charnas, 1983). These include various forms of shared parenting or "joint custody".

The distinctive feature of joint custody is that both parents retain responsibility for the care and control of their children, much as in an intact family (Foster and Freed, 1978), and each have an equal voice in their children's upbringing, education and welfare (Clingempeel and Reppucci, 1982). A classic definition of joint custody is that of Roman and Haddad (1978:173):

"Joint custody is that post-divorce custodial arrangement in which parents agree to equally share the authority for making all decisions that significantly effect the lives of their children. It is also that post-divorce arrangement in which child care is split equally or, at the most discrepant, child care resolves itself into a two-to-one split".

In fact, disagreement exists among writers as to the definition of and proportionate time arrangement required for joint custody. Some have suggested

that the term "joint custody" should be reserved for "equal-time" arrangements, while others have pointed to the flexibility that joint custody allows as one of its strongest attributes. Others view the distinguishing trait of joint custody as allowing each parent to interact with his or her children in everyday situations rather than "visit" them (Folberg and Graham, 1981). A minimum requirement of joint custody, however, is that both parents have equal input in major decisions affecting their children (Clingempeel and Reppucci, 1982).

The clinical community has generally viewed joint custody in a favourable light, with the notable exception of Goldstein et al (1973) who argued for a legal presumption of sole custody based on the assumption of children having one "psychological parent" with whom they maintain a continuous, day-to-day relationship and constant bond. According to their formulation, a continuous relationship with the custodial parent is necessary for the child's healthy development, which may be disrupted by a continued relationship with the non-custodial parent: "the non-custodial parent should have no legally enforceable right to visit the child and the custodial (or "psychological") parent should have the right to decide whether it is desirable for the child to visit".

The position of Goldstein et al, however, in lacking any substantiating empirical data, has been vigorously challenged by more recent empirical evidence demonstrating that children form salient attachments to both parents (Rutter, 1972; Lamb, 1978), and that they benefit most from a continuous and meaningful post-divorce relationship with both parents, along with a reduction or cessation of inter-parental conflict (Wallerstein and Kelly, 1980; Hetherington et al. 1978). In this context it has been suggested that joint custody may be the most desirable custody disposition for children in the majority of divorced families (Bowman and Ahrons, 1985; Irving et al. 1984; Folberg, 1984), with various investigators advocating that it become by statute the presumptive legal disposition for divorcing families (Folberg, 1984; Richards, 1982).

The "case" for joint custody has been made from the perspective of the child and that of the parents. Research has identified the central hazard which divorce poses to the child's psychological health and development as the diminished or disrupted parenting that occurs at the point of divorce and becomes consolidated during and after divorce. Children's intense longing for greater contact with their non-custodial parent persists undiminished, a fact which points to the desirability of their continuing regular and frequent contact with both of their parents. By ensuring the preservation of primary bonds with both parents, joint custody spares children the feeling of rejection implied by the departure of one parent. For

parents, joint custody has been associated with greater comfort with the *status quo*, and with fewer reconciliation fantasies and impossible expectations (Irving et al, 1984). As joint custody relieves mothers of the dual responsibility of paid employment and full-time parenting and allows fathers an equally active role with their children, it affords opportunities for more egalitarian relationships between women and men after divorce. Finally, joint custody has also been correlated with significantly fewer re-litigations and a higher compliance rate in financial matters than sole custody.

As joint custody proponents have presented increasing evidence of the desirability of such an arrangement for the majority of divorced families, a number of jurisdictions (particularly in the U.S.) have provided for joint custody as an option or as a preference or presumption. In general, however, the legal community has largely viewed joint custody with suspicion (Felner and Terre et al, 1985), and there has been considerable debate in regard to a number of issues relating to the feasibility of such an arrangement. As mentioned, disagreement exists as to the definition of and proportionate amount of time required for joint custody. Concern has been expressed about the fact that joint legal custody may empower fathers, allowing them control over their children without any demonstration of responsibility for child care on their part. Many investigators question parents' ability to co-operate after divorce, and the issue of whether children's interests are better served in a "stable" sole custody situation, as opposed to a "conflictual" joint custody arrangement, has provoked considerable debate. Others have argued that it may be disruptive and confusing for children to have two homes--does children's need for a continuing active relationship with both parents outweigh the potential lack of stability and continuity in a joint custody arrangement? (Each of these questions will also be examined in our discussion of therapeutic and policy implications in Chapter 7.)

2. Fathers' Experiences with Solicitors and the Legal System

It is thus not surprising that a significant component of non-custodial fathers' experiences during and after divorce is their contact with solicitors and the legal system. Solicitors are usually an early point of contact for divorcing spouses. Seventy-five of the 80 fathers in our sample had at least consulted a solicitor, as had 77 of their wives.

Only 15 fathers (10 from Ontario and 5 from Scotland) formally contested the issue of custody in court, despite the fact that 63 had expressed a desire for at

least partial physical custody of their children. The nature of this discrepancy will be examined in this section; clearly, as we have seen, the absence of a contest over custody should not be assumed to be an indicator of absence of disagreement over the issue. Solicitors and the judicial system, it will be argued, are important mediators between fathers' initial expressed desires and what they finally obtain. In this context we examine the existing child custody, access and financial arrangements of the 80 fathers in our study, how these were determined, the arrangements that fathers had initially wanted, and their level of satisfaction with existing arrangements. Secondly, we explore fathers' experiences with solicitors and the courts, and analyse some of the major themes expressed by fathers in relation to judicial resolution of custody and access issues. Thirdly, we consider the issue of non-contested custody: given their attachment to their children and their desire for some level of physical custody, why do the majority of divorced fathers not actively seek at least partial custody of their children? What are some of the essential differences between fathers who do and those who do not contest custody? Fourthly, we investigate differences in relation to various legal aspects of the divorce according to who initiated the divorce and, finally, differences between the Scottish and Ontario sub-samples in this regard.

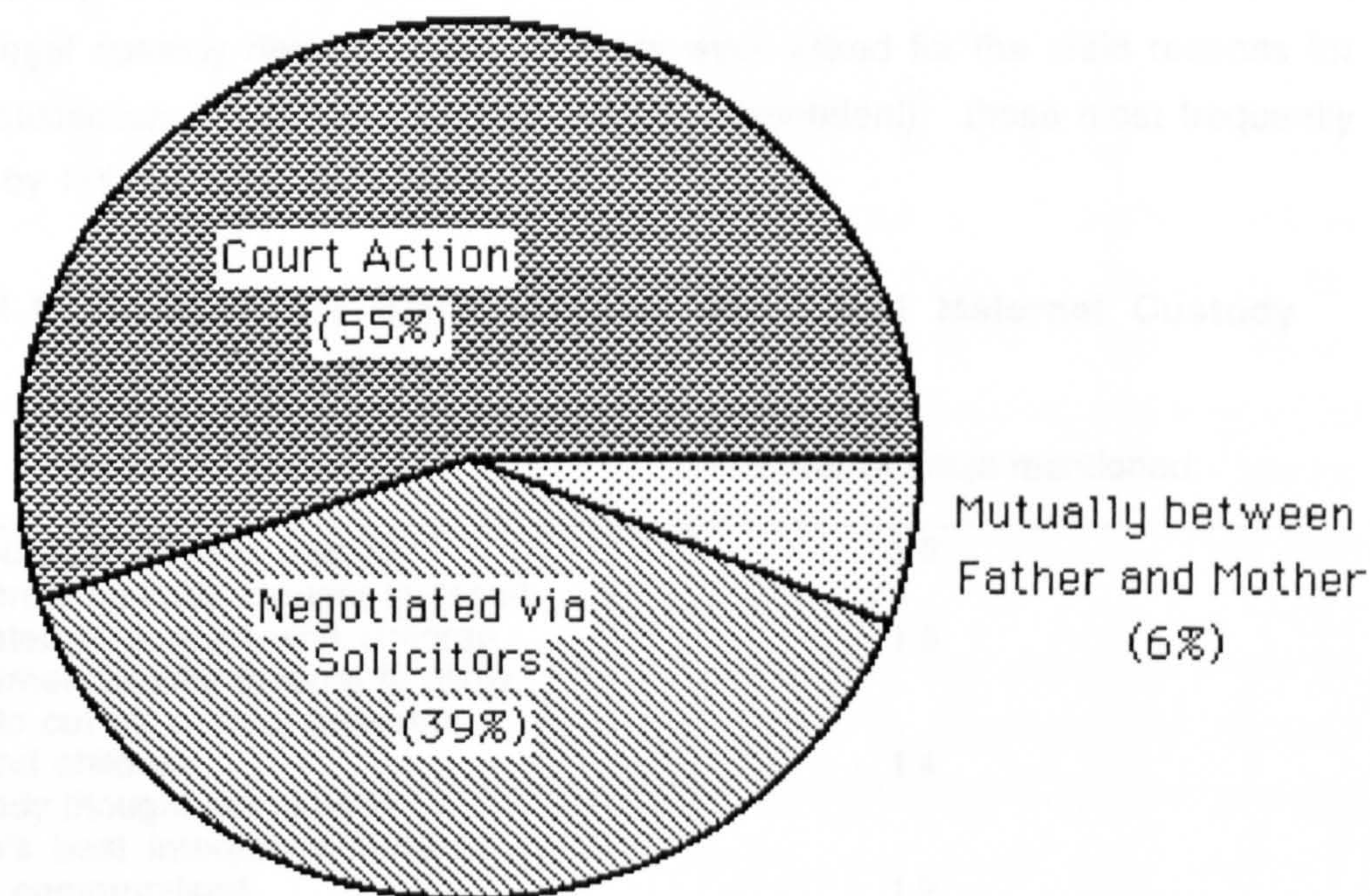
In general, fathers spoke passionately about their experiences with solicitors and the legal system; included in this section is a selection of representative comments of individual fathers. What struck the researcher was the extent of fathers' detailed knowledge about legal processes and issues well after the divorce, and how poorly informed they appear to have been at the time of the divorce itself.

Existing child custody, access and financial arrangements. We have seen that 79% of the fathers in our sample expressed a desire for at least partial physical custody of their children at the time of the divorce; only 49%, however, identified custody as an issue of contention between their wives and themselves at that juncture. The 79% figure can be compared to Weitzman's (1985-U.S.) finding of 57% of the men in her sample reporting a desire for custody of their children after divorce: the discrepancy may be due either to the fact of an increasing number of fathers wanting custody of their children or to the fact that, whereas Weitzman referred to "custody", the present study simply asked fathers, "At the time of the separation, did you want your child(ren) to live with you at least part of the time?", thus referring to physical care and control and including a "part-time" alternative. Where a legal determination of maternal custody had been made, fathers were also asked what legal custody arrangement they had actually wanted: 28% indicated paternal custody and 46% joint custody, a total of 74%. Only 23% had wanted and

were in true agreement with the legal determination of sole maternal custody, in sharp contrast to bland assertions by some legal scholars that the judicial system merely ratifies previous "agreements" between the parties. At the time of divorce and before legal consultation, 79% of fathers wanted at least partial physical custody of their children.

In 81% (65) of cases in our study, a formal legal determination of sole maternal custody was in fact made; these were decided as follows (Question 52):

FIGURE 4.1 Mode of Custody Determination¹



The figure of 55% of child custody cases being determined by some form of court action may seem surprising, given that the vast majority of divorces in Scotland are granted on the basis of documentary evidence, with no need for anyone to attend court, and that legally contested cases of custody and access are relatively infrequent in both Scotland and Ontario. This figure may reflect the fact that our Scottish sample may not be entirely representative of the population of divorced fathers or the fact that fathers were simply asked how the issue of custody was decided (ratified), and not whether the issue of custody was legally contested, or even if they attended a court hearing. "Court action" here includes both (preliminary)

¹ Pre-coded categories.

interim custody and (final) divorce hearings, held with or without the parents present.

Only 6% (4 of 65) of fathers saw legal custody as "mutually arranged"; most defined it as largely out of their control, involving negotiation between the respective solicitors or some form of court action. Again, this perception calls for a re-examination of the concept of custody and access "agreements" between parents in the majority of cases prior to legal involvement.

Not surprisingly, in light of the small number of fathers actually agreeing with maternal custody (in terms of their stated desires regarding post-divorce arrangements), the majority (79%, or 51 of 65) of fathers were dissatisfied with the final legal custody determination. Fathers were asked for the main reasons for their dissatisfaction (maximum of 2 reasons per respondent); those most frequently identified by fathers were as follows:

TABLE 4.1 Reasons for Dissatisfaction with Legal Maternal Custody Arrangement

Reason ²	Number of times mentioned
Wanted paternal or joint custody	19
Sole maternal custody thought to result in no paternal contact with children	16
Sole maternal custody thought to allow ex-wife to cut off contact between father and children	14
Sole custody thought not to be in children's best interests/welfare of children compromised	12
Sole maternal custody thought to result in not enough paternal contact with children	9
Father thought to be left with no legal rights vis-a-vis children	9

In a number of cases, fathers independently cited the major consequence of legally-ratified maternal custody to be the termination of contact between themselves and their children (16 due to the arrangement *per se*, 14 to the arrangement allowing the former spouse to sever contact), while another 9 indicated that it resulted in not enough contact between their children and themselves. The legal ratification of maternal custody was seen by these fathers as in some concrete way contributing to their subsequent loss of contact with their children; many spoke

² The reader is reminded that unless otherwise noted, all of the presented tables contain post-coded categories.

in terms of the legal system as **removing** custody from one parent, rather than granting it to the other:

"... Custody is not granted by the courts - custody is being removed. Both parents have custody of a child, the courts remove custody from the non-custodial parent " (Scottish disengaged father)

It should be noted, however, that there are serious flaws in fathers' citing the fact of legal maternal custody as itself responsible for their subsequent loss of contact with their children; this cannot be accepted as an explanation as almost half of the fathers in our sample with *de jure* maternal custody arrangements (30 of 65) managed to subsequently remain in contact (notwithstanding the fact that 10 of the 15 fathers with *de facto* but not *de jure* maternal custody arrangements were fathers who remained in contact). The disengagement of non-custodial fathers from the lives of their children, as we shall argue in Chapter 6, is a highly complex phenomenon; while the legal system may be an important factor in the disengagement process, fathers' attribution of responsibility for their loss of contact onto the legal system and their former spouses largely ignores their own role in the process. A drawback of the self-report nature of the data is that the level of fathers' "objectivity" in regard to their own role in disengagement may be called into question.

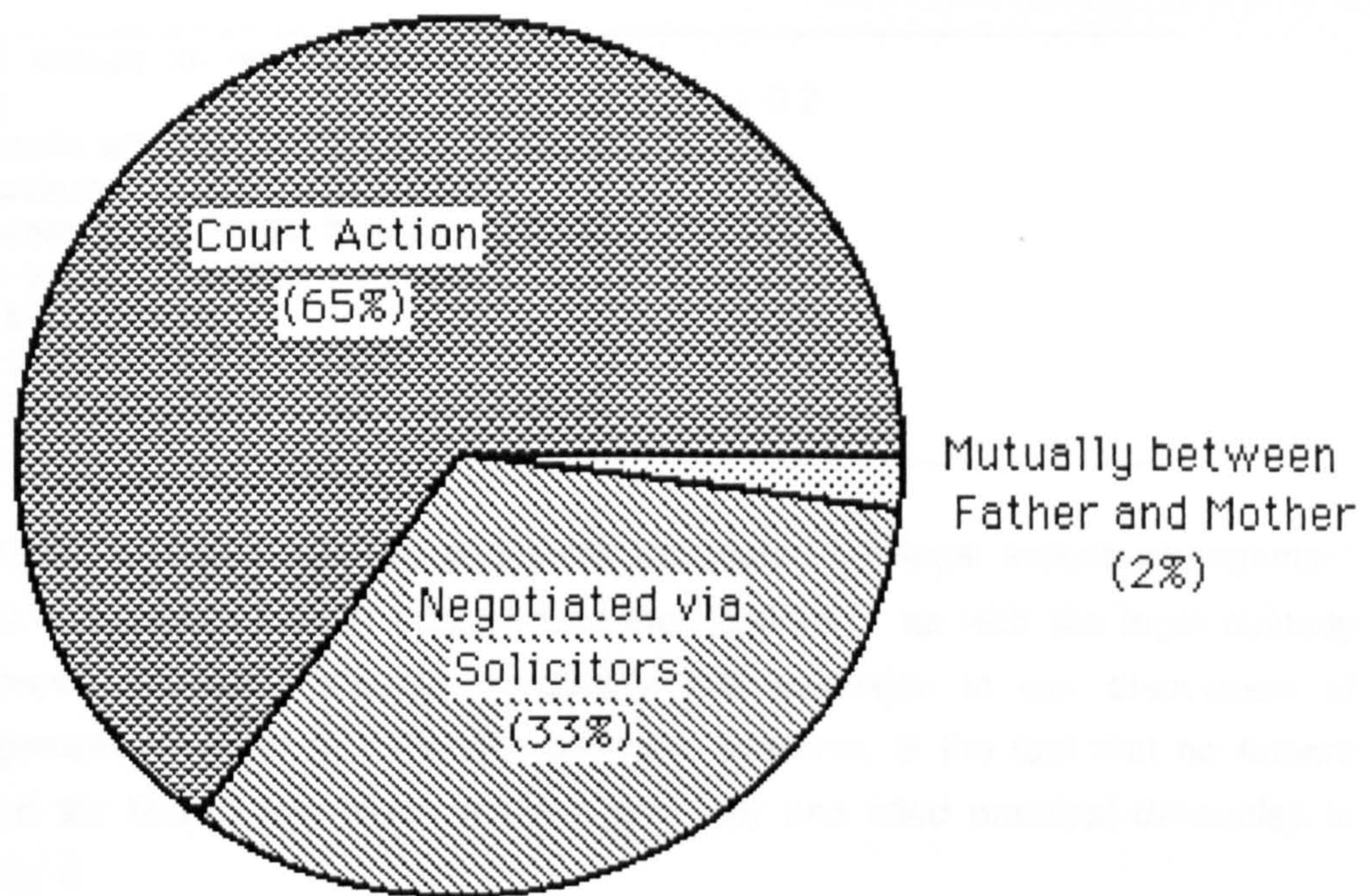
Post-divorce legal access arrangements were also examined. In 58 of 80 cases, a formal legal access determination was made (as compared with 65 legal custody arrangements). Fathers described a plethora of legal determinations--about 14 different types of arrangements were outlined:

TABLE 4.2 Legal Access Arrangements

Type	Frequency % (N)	
"Reasonable"	17	(10)
Weekly	14	(8)
Fortnightly residential	12	(7)
Fortnightly residential and weekly	12	(7)
Fortnightly	9	(5)
Fortnightly residential and holiday	5	(3)
Monthly	5	(3)
Weekly residential	3	(2)
"Flexible"	3	(2)
Fortnightly and holiday	2	(1)
Weekly and holiday	2	(1)
Weekly residential and holiday	2	(1)
Other/don't know	3	(2)
Total	100	(58)

Despite the variety of legal access arrangements, fathers often referred to a "standard formula" used by solicitors and the courts, which usually resulted in what they considered to be woefully insufficient contact between their children and themselves. Again, in the majority of cases, the legal determination of access involved some form of court action; very few fathers perceived legal access arrangements to have been "mutually arranged". The high incidence of 65% of cases involving some form of court action again does not imply that access was legally disputed, or that fathers even attended a court hearing where access was discussed.

FIGURE 4.2 Mode of Access Determination³



Fathers were then asked what type of access arrangement they had wanted: of 57 fathers with legally-ratified access arrangements, 46% (26) stated that they wanted not access but paternal or joint custody; 23% (13) indicated that they were in agreement with (and had wanted) the access arrangement that was made; 18% (10) expressed a desire for a more open and flexible arrangement; while 14% (8) simply wanted more (or residential) access. Most fathers (83%, or 47 of 57) were dissatisfied with the legal access arrangement, identifying similar reasons to those referred to vis-a-vis the legal custody determination, with the fact of no or not enough paternal contact being dominant:

³ Pre-coded categories. One father did not know the details of the legal access determination, and is excluded for the purposes of the present analysis.

TABLE 4.3 Reasons for Dissatisfaction with Legal Access Arrangement

Reason	Number of times mentioned
Too little access (or no residential access)	22
Legal access arrangement thought to result in no paternal contact with children	18
Legal access arrangement thought to allow ex-wife to cut off contact between father and children	13
Wanted paternal or joint custody	6
Access arrangements too rigid, constrained	6

Again, a large proportion of fathers associated the legal access arrangement with their subsequent loss of contact with their children; as with the legal custody arrangement, we will endeavor to qualify this assertion in our discussion of disengagement (Chapter 6). Highly significant, however, is the fact that no fathers mentioned the fact of **too much** access, and only one cited practical difficulties in exercising it.

The issue of post-divorce financial arrangements--property settlement and support payments/aliment--was also explored with fathers. In 75% (60) of cases, some form of legal financial arrangement was made, usually a combination of child support and/or maintenance and division of property. Of the 60, 31 (52%) involved some form of court action, 23 (38%) negotiation via solicitors, and 5 (8%) a mutual agreement between the parents. (In one case, the issue of property was settled via legal negotiation and support through court action.) Overall, a larger proportion of fathers indicated that they had wanted and agreed with the legal financial settlement that was made (40%, as opposed to 23% for custody and 23% for access); 20% (12) stated that they wanted a settlement more favourable to themselves; 17% (10) wanted an equitable split based on a more logical formula; 10% (8) indicated that they wanted a financial settlement based on a joint custody arrangement; while 13% (8) cited a variety of other arrangements. While 60% (36) of fathers were dissatisfied with the legal financial arrangement, this is considerably less than the 79% for custody and 83% for access. The reasons for their dissatisfaction varied, but 16 (of 36) stated that they found the amount of financial support to be excessive or that they simply could not afford the amount, 14 mentioned the fact of being denied contact with their children and resented the idea of providing financial support within such a situation, 9 referred to the inadequacy of the arbitrary nature of legal determination of post-divorce financial arrangements, and 5 stated that they were opposed to the provision of maintenance for their ex-

wives. While legal custody and legal access dissatisfaction were significantly related, the relationship between custody/access dissatisfaction and dissatisfaction with legal financial arrangements was less obvious.

Fathers' experience with solicitors, the courts and the judicial system. In addition to their strong dissatisfaction with legal determinations regarding custody and access, fathers expressed a high level of dissatisfaction with the behaviour of solicitors and the legal process in general. The 75 fathers who had consulted a solicitor were asked whether and how their solicitors had helped or hindered their subsequent relationship with their children (Question 44). A high proportion (69%, or 52 of 75) of fathers felt that solicitors had in fact hindered the relationship; only 12% (9) felt they had helped; while 5% (4) stated that they had both helped and hindered and 13% (10) indicated that they had no effect⁴.

Those indicating that solicitors had hindered fathers' subsequent relationship with their children cited the following:

TABLE 4.4 Perceived Negative Effects of Solicitors on Father-child Relationship

Effects	Number of Times Mentioned
Utilised an adversarial approach, polarising the spouses	31
Not sensitive to emotional needs of family members	19
Legal incompetence or unhelpful advice	15
Actively discouraged (paternal or joint) custody	10
Biased toward mother	10
Destroyed father-child relationship	9
Solicitors only concerned about their own financial gain	7
Very slow and many delays	7
Emphasis on financial aspects of divorce, rather than custody and access	4

Ambrose et al (1983), in their British study of divorced fathers, identified a potential double-bind situation in which solicitors may find themselves: on the one hand, solicitors are seen by fathers as enhancing or creating an adversarial climate between divorcing spouses in their use of an entirely partisan and often provocative approach and, on the other, they are perceived as not being forceful or aggressive

⁴ We are not presuming here to judge whether the help or advice given by solicitors was legally appropriate or accurate; rather, we wish to demonstrate how this help or advice was perceived and evaluated by their clients.

enough in "fighting" for fathers' rights. On both counts, fathers rate their solicitors as "unhelpful". The results of the present study, however, stand in contrast to those of Ambrose et al. Fathers rarely described their solicitors as unhelpful on the basis of lack of assertiveness: a "fighting spirit" was generally not perceived to be part of a solicitor's expected role vis-a-vis child custody and access. Fathers' predominant concern was in fact the **damaging** effects of what they perceived to be a strongly adversarial stance on the part of their solicitors: 31 fathers felt that this aspect had hindered their subsequent relationship with their children by polarising the spouses, and a further 19 stressed the fact of a lack of awareness about, or sensitivity to, the emotional aspects of divorce on the part of their solicitors.

Many fathers perceived their solicitors as not only **exacerbating** an already-existing adversarial climate between the parents, but as in fact often **creating** such an atmosphere. As mentioned, more fathers had described the atmosphere at the point of divorce--before legal consultation--as relatively calm than those characterising it as turbulent (although **disagreements** between spouses clearly existed), which seemed to change dramatically after legal contact. In this context, fathers spoke of "manipulative" legal practices designed to provoke conflict, including solicitors' instructions to quit communication with the former spouse. Many fathers described the intimidating and destructive nature of affidavits and other written communications prepared by solicitors on both sides in the initial stages of the legal process; fathers' readings of such affidavits, combined with their own solicitors' preparation of similar documents, resulted in what fathers described as the development of distorted perceptions of the former spouses toward each other:

"They essentially produced a negative tone in the relationship where none existed before. Essentially the adversarial principle produces hostility where there might have been compromise. It results in not being able to do things spontaneously which you would do in a normal relationship - it causes you not to telephone, it causes you not to write. If you do write it is through the lawyer to another lawyer - it makes contact very formal, including contact with children, which is not a natural way of relating. It restricts contact to a particular time, day, or time of year. There is no spontaneity left in the relationship. But the worst thing it does is divide you into two sides and there's no middle ground or common ground which is where we'd normally be. Essentially you have no communication with your wife about the children since everything is filtered through lawyers". (Scottish "disengaged" father)

"Simply by casting the party-to-party relationship in an adversarial framework, whereby the communication is paralysed by statements from the lawyers such as, 'Don't talk with your husband while this whole thing is being negotiated'. Secondly, provocative communications between the parties going through the lawyers, who cast them in a confrontative light, which left the other party feeling threatened. And neither party is aware that all of this

is being orchestrated by the lawyers - they lie blatantly, they just live and breathe deceit, to the point where they themselves aren't even aware they're lying". (Ontario "contact" father)

Fifteen fathers mentioned legal incompetence or unhelpful legal advice as hindering their subsequent relationship with their children; in this context, some referred simply to their solicitors' ignorance of basic family law or legal information regarding divorce, custody, and access, while others cited particular points of negligence in the handling of their case. Some fathers referred to their difficulties in understanding legal language, or to the obfuscation of what they later learned were essentially straightforward legal processes. Fathers also spoke of a loss of self-determination and control once they had "turned over" matters to a solicitor.

Other fathers referred directly to solicitors' preadjudication of their cases, particularly in regard to child custody: 10 independently stated that their solicitors had actively discouraged them from pursuing custody on the basis of what would happen were the dispute to be carried to court (anticipating a negative result); 10 cited a maternal bias regarding child custody on the part of solicitors in general. Their perceptions in this regard reflect current research on solicitors' attitudes toward child custody outcomes: the great majority of solicitors perceive sole maternal custody as the most viable option upon divorce (Felner and Terre et al, 1985).

Finally, a number of fathers identified the economics of the law office as representing a serious potential conflict of interest between their solicitors and themselves (as clients), indicating that solicitors had a stake in creating or exacerbating and prolonging conflict between parents as they stood to gain financially from an ongoing dispute:

"Things were bad when our marriage broke up. As soon as solicitors entered the scene, matters got much worse - through their actions, their insensitivity to people's problems. They use people. They take their time. They continue to take months to answer simple questions. They advise silence, no communication or dialogue. They feed off a silence, an ignorant silence. They don't arbitrate between the parties - they deliberately went out with an intent to make matters worse throughout. After a while, 1 or 2 years, things that never existed before began to materialise, damning things, such unbelievable fabrications. They end up with a large sum of money for themselves and a lifetime inconciliable situation. They have been incompetent, unsympathetic, and, I would go so far as to say, inhumane". (Scottish "contact" father);

They've disregarded in every respect that the time, the long drawn-out time, they took on this matter, is costly, whereby we all lose - both the children and the parents. By their lack of sensitivity on the human

and emotional level. By the prejudgement of how judges act and react, predetermining the outcome well in advance". (Ontario "disengaged" father)

All fathers were asked whether they felt that the legal system was the most appropriate forum for determining post-divorce arrangements for children and families (Question 57); an overwhelming 93% (74 of 80) felt that it was inappropriate, and cited the following as their reasons:

TABLE 4.5 Perceived Problems of Judicial Resolution of Child Custody and Access

Problems	Number of Times Mentioned
Not sensitive to/does not consider emotional needs of family members	31
Based on an adversarial approach	24
"Conciliatory" approach better (not characteristic of judicial resolution)	23
Maternal bias/traditional nature of legal system regarding gender roles	22
Rigid, "assembly-line", inhumane approach	16
Not sensitive to/does not consider emotional needs or "best interests" of children	15
Serves to eliminate father as parent/ ineffective in ensuring paternal contact	13
Expensive/time-consuming/vested interest of legal system in protracting disputes	11
Generally the wrong forum	10
Not a "legitimate" authority	5
Concerned primarily with financial aspects of divorce	3

Most frequently mentioned was the fact that the legal system is either not designed or simply does not consider the emotional impact of divorce on family members, which fathers felt should be a crucial factor in the determination of post-divorce custody and access arrangements, as reflected by the following comment:

"Because the issues depend on emotional factors and (one) the lawyers have very little training in that aspect and (two) they're not used to carrying out follow-up of their suggested arrangements to make sure they work. What that means is that a situation which the lawyers have laid down after a court hearing may not be adhered to in the slightest and the judge who made the decision has no way of getting feedback automatically as to whether his suggestion has worked. I think that comparable analogous situation would be if I, as a doctor, made a diagnosis of cancer in an ill patient and prescribed treatment, and decided not to have any follow-up to see if my treatment worked. Neither do the lawyers do research into the long-term family implications of their court decisions (or there's been very little done). I

think that an organisation which does not carry out an audit of its own decisions and does not carry out research should not be involved in this very sensitive emotional area". (Scottish "disengaged" father)

The perception of the inherently adversarial nature of legal processes was described in terms such as the following:

"Because the environment within which you negotiate presupposes that both parties should be at each other's throat. They agitate, they constantly fan the flames, toward more and more confrontation. They create psychological atrocities by using the children as pawns. They use the children as a leverage to settle financial matters. They use access in this way, to extract concessions in property division and support. They treat access and the parent-child relationship as a key factor in the family, but they treat it in a destructive, negative fashion". (Ontario "contact" father)

Most fathers perceived a number of distinct problems with judicial determination of custody and access:

"I don't feel that a judge really knows, or is trained or informed in, what the best interests of children are. In my case I feel the judge was prejudiced in the sense that he believed that a father is completely unimportant in a child's life. The father is seen as insignificant in the life of a child". (Ontario "disengaged" father)

"Because they're incompetent, they're indifferent, because it's run by a bunch of archaic-thinking judges whose perception is that the mother has all the rights with respect to children, and the father's only obligation is to pay support, that women are the only ones who can properly raise children - and that's ridiculous. If you get a judge who is a grandparent who has never had the experience of raising children, he's totally oblivious as to what's going on. They're from the old school who believe in the sanctity of the mother-child relationship. They have two sets of rules - mothers are perfect, and can do no wrong, the husbands and fathers fall into the other extreme - they're imperfect and can do no right". (Ontario "disengaged" father)

"I think you're just a name to them. You're just put through a mincing machine and they don't care what comes out at the other end". (Scottish "disengaged" father)

"The judicial system covers every aspect of life from the foulest of crimes to the most complex pieces of civil litigation. It is therefore not the best forum to be discussing or resolving intimate family matters, and the same judge will deal with all three types of court hearing". (Scottish "contact" father)

Fathers were asked for their perception of the fairness of any court hearings held in relation to custody and/or access. Of the 50 fathers who indicated that there had been some form of court hearing (whether or not they had actually been in attendance), 35 were dissatisfied with the fairness of the hearing and only 13

satisfied⁵ . The reasons they gave for their dissatisfaction largely reflected their stated concerns regarding a judicial mode of custody and access resolution: 7 perceived a maternal bias operating in the court, 3 indicated a maternal bias of the judge, 5 felt that the court was not the proper forum to resolve such issues, 5 indicated that they were unhappy about the judge's decision (against paternal custody or greater access), 3 cited the fact of not being able to speak or put forward their point of view during the hearing, and 3 gave no specific reason for their dissatisfaction, as they were not actually present at the hearing. In regard to the court hearing, even though the (gender-neutral) standard of the "best interests of the child" applies in relation to child custody and access determination, fathers tended to view judges as acting as if there was a maternal presumption.

Fathers' opinions about alternative modes of custody and access resolution, as well as alternate post-divorce custody and access arrangements, were solicited. At interview, fathers seemed to be well informed of a variety of alternatives, but their replies indicated a glaring lack of such knowledge at the time of the divorce.

First, fathers were asked about their awareness of conciliation counselling at the time of the divorce. Seventy-one per cent (57 of 80) had not been aware; of the 23 who had been, only 5 had made use of the service, with those who had not most frequently mentioning their wives' or their wives' solicitors' reluctance, opposition, or refusal to use it. Forty-two of the 57 fathers who had not been aware of conciliation indicated that it probably would have helped their subsequent relationship with their children if they had made use of it⁶ : 18 felt that co-operation and compromise would have been enhanced within a conciliatory atmosphere; 12 stated that it would have opened channels of communication between the parents; 10 saw its function as resolving disputes over custody and/or access; 9 indicated that it would have avoided an adversarial (legal) approach; 8 felt that it would have ensured ongoing paternal contact by emphasising the need for active and regular involvement of both parents with their children; 7 saw it offering impartial advice by a neutral third party; 6 saw its main benefit as focusing the parents on the needs of the children; 3 felt that it would have been instrumental in educating the parents in regard to a variety of custody and access options; and 3 felt that it may in fact have prevented the divorce by exploring the possibility of reconciliation with the couple.

⁵ Two indicated that because they had not attended the hearing, they could not comment in regard to its fairness.

⁶ A maximum of two "ways (conciliation) would have helped" fathers' subsequent relationship with their children were noted for each respondent.

"Firstly simply to avoid lawyers and the court system. In a more positive sense I think because of the experience they have, they would be able to impart knowledge which you normally get over the years. Educationally they would be good. Emotionally they would lower the temperature and make people open to compromise, and not delude themselves that their spouses are terrible monsters that will take them to the cleaners every time ..." (Scottish "disengaged" father)

"First of all it would've brought us through the whole process, the whole cycle. First of all there would've been the opportunity to get all the anger out. Secondly, assuming that the person had good skills and experience in conflict resolution, it would've helped to focus our thoughts away from the anger and onto the specifics that we would have to have dealt with, the nuts and bolts of the negotiations. And it would've been able to point out the advantages and disadvantages of each position. Finally, it would have helped us to reach an amicable resolution ... how the thing works out depends entirely on how the parents treat each other. It's extremely easy to hide behind concern for the children - everybody does that. That 'concern for the children' can also be used as a weapon against the other partner. As long as the parents keep wanting to hurt each other, the children are going to be hurt. Until the parents can learn something about diplomacy and the language of diplomacy - it's a very useful language when it comes to conflict, because it's a language that helps you to parry your anger and your hatred, and treat the other person as a human being. It's all a question of communication". (Ontario "disengaged" father)

Despite the existence of conciliation services and fathers' subsequent advocacy of such an approach, the majority of divorcing fathers (and presumably mothers) were not aware of their availability at the time they could have made use of them.

Fathers were also asked about their awareness of joint custody or "shared parenting" as an option at the time of the divorce. Sixty-one per cent (49 of 80) had not been aware; of the 31 who had been, 16 knew about it through "general knowledge" or "common-sense", 7 through some form of media, 4 through friends, 2 through their solicitors, 1 through his wife, and 1 through a social service agency. Eighty-eight per cent (43 of 49) of the fathers who had not been aware of joint custody would have considered such an arrangement for themselves if they had known about it; only 18% (9 of 49), however, felt that their wives would have considered it.

"... From my own experience, because we didn't have it, I didn't even think in those terms, that it was possible. I would've liked to have worked out a joint custody arrangement, but because there wasn't any law and there wasn't any support system behind the law, I couldn't even conceive of it ..." (Ontario "disengaged" father)

Fathers were further asked if their solicitor had told them about joint custody--in 95% (71 of 75) of cases, there had been no such indication. In only

one of the 4 cases where it had been mentioned did the solicitor encourage the father to pursue it. Such a finding is not entirely surprising; according to Felner and Terre et al (1985:27), "legal professionals see joint custody as neither the most desirable nor the most appropriate custody arrangement in most cases and they question the ability or motivation of divorcing couples to co-operate to the extent necessary for joint custody to be viable."

"No - I got the impression they didn't believe it was an option. If I mentioned it to him he would laugh and say it's ridiculous, I couldn't have it ... The reason for joint custody is that it would eliminate the major problem of access. Right now custody is given to one parent only, and the person who has the children has the power, has power in a physical sense and even more so in an emotional sense. The thing that has really destroyed my relationship with my children is that my ex-wife has prevented me from seeing them, then has deceived them about me and about the relationship I used to have with them. By having custody she has effectively destroyed the relationship, which I don't think would have happened if we had joint custody. Joint custody would have happened spontaneously but for opposition from the legal profession. People are actually quite sensible when left to their own devices". (Scottish "disengaged" father)

Fathers were asked to identify sources of help and support that they did not have during the divorce but would have found useful. Twenty-six fathers independently cited conciliation counselling, while another 7 referred to a neutral third party who may have acted as a mediator or arbitrator. Six mentioned marriage guidance/counselling, while another 10 indicated some form of social service counselling. A total of 12 fathers felt that the opportunity to speak to other parents who were in the midst of or had gone through the divorce process would have been helpful (8 of these specified other fathers). Six fathers indicated better legal help, 3 fathers would have liked more support from their families of origin, while another 3 mentioned more supportive friends:

"I think the helpful person who has never experienced separation is a potential danger. The people who caused a lot of extra damage were those totally loyal to me who told me how nasty my ex-wife was, and on the other side I'm sure there were people talking with my ex-wife about how wicked I was. And a lot of these people had no knowledge of separation and were in a sense fanning flames, probably unwittingly. The people who helped me were the people who disagreed and contradicted, and said 'Look at it from another viewpoint'. I have a lot of scorn for the well-wishers who think they'll help a little bit and who then realise how emotionally taut the whole situation is, and then they get out. The people who did help me didn't spare my feelings at all; the ones who didn't help pussyfooted around trying to find an easy 'solution' to a very complex emotional problem. I think that although the divorce rate is creeping towards 25% or whatever, that the influential 75% who haven't experienced separation and divorce are causing tremendous extra damage through their lack of sensitivity. And a lot of these people seem to be

in professions like medicine, the law, social work, and the church - these 75% who haven't had problems - and they are setting the tone for the management of the 25% who have problems, and which the 75% don't really know about". (Scottish "disengaged" father)

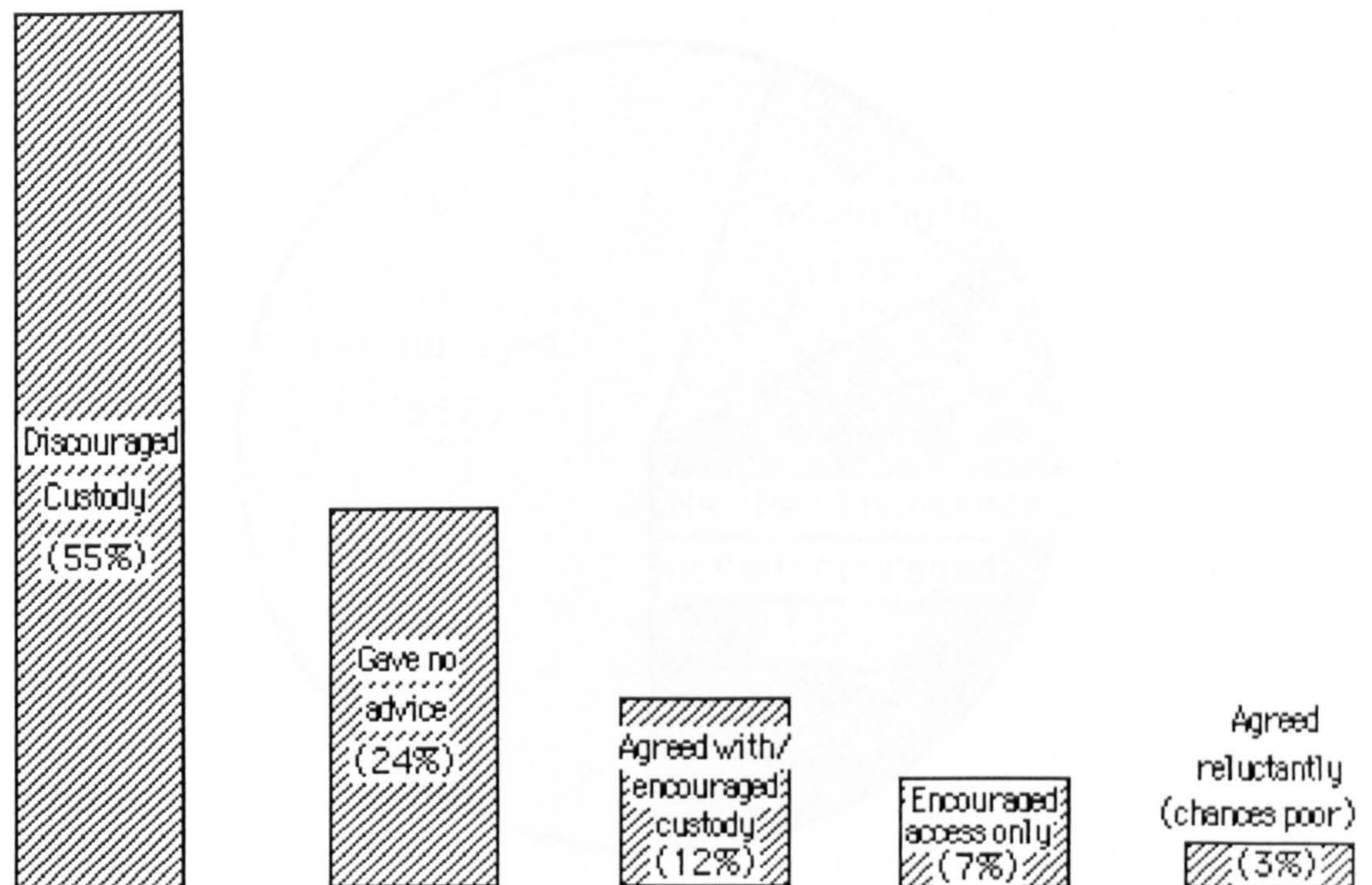
Contested and non-contested custody. Only 15 of the 80 fathers in our sample indicated that they had formally contested the determination of sole maternal custody; however, most fathers felt that they would probably have contested had their solicitor either not advised against such action or refused to proceed with it on their behalf. Solicitors were described as dissuading fathers from seeking custody by providing their clients with a basic knowledge of the law and legal processes, helping them to decide what and what not to ask for, and shaping expectations of what they would get. If the expectation was that the best fathers could hope for was regular access, this is what they felt compelled to accept.

Explicit advice is given by solicitors in relation to custody and access; according to Weitzman, 95% of solicitors report trying to attempt to talk a father out of trying to get custody, usually because they think the legal chances for obtaining it are poor (1985:237). As mentioned, sole maternal custody is the overwhelming choice of solicitors as the most viable custody option for families (Felner and Terre et al, 1985).

Although the majority of fathers in our sample were not hopeful or even aware of any possibility of legal paternal or joint custody in the initial stages of the divorce, a significant proportion indicated that they had broached the subject of paternal or shared physical custody with their solicitors. The advice they received was experienced as highly discouraging, with solicitors presenting (sole) maternal custody and (limited) paternal access as the only available and appropriate legal option.

The legal advice given fathers in relation to custody and access was examined. Fathers who had consulted a solicitor were asked about the nature of their solicitors' advice vis-a-vis child custody (Question 46) and (more directly) if their solicitors had encouraged or discouraged them in seeking custody (Question 47):

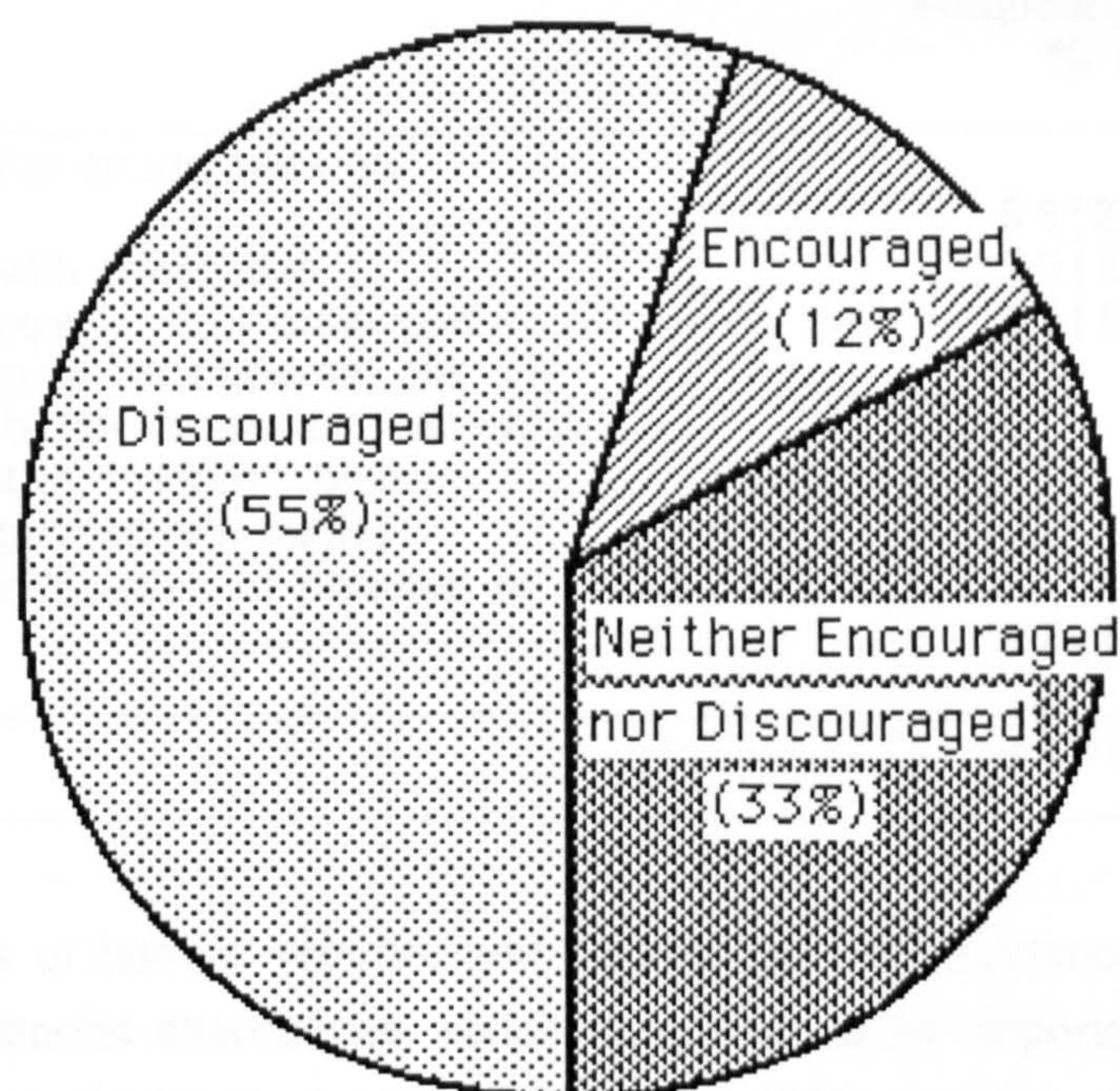
FIGURE 4.3 Solicitors' Advice Regarding (Paternal or Joint) Custody



Discouraging involvement of the father in custody, solicitors actively discouraged fathers from pursuing joint or sole custody. This occurred for two reasons. First, because of the perceived lack of involvement of fathers in the lives of children, solicitors were often reluctant to recommend joint custody. Second, because of the perceived lack of involvement of fathers in the lives of children, solicitors were often reluctant to recommend joint custody. This was often the case when the father was not involved in the life of the child. In such cases, the solicitor would often recommend that the father should not have any contact with the child. Of the 100 cases, 55% of the cases (55%) were discouraged from custody. In 24% of the cases, the solicitor gave no advice. In 12% of the cases, the solicitor agreed with/encouraged custody. In 7% of the cases, the solicitor encouraged access only. In 3% of the cases, the solicitor agreed reluctantly (chances poor).

Second, although the father wanted joint custody, the solicitor would often advise the father that joint custody was not in the best interests of the child.

FIGURE 4.4 Solicitors' Encouragement of (Paternal or Joint) Custody



Both figures indicate that in 55% of cases, solicitors actively discouraged fathers from pursuing custody; in these cases, it is assumed that many fathers themselves had broached the subject. A significant proportion of solicitors, however, gave no advice (24% in Figure 4.3) or neither encouraged nor discouraged it (33% in Figure 4.4), perhaps because the father himself may not have raised the issue. Of the 9 solicitors who had encouraged custody, 7 suggested pursuing it through court action, one through legal negotiation, and one through negotiation between the parents themselves.

Fathers indicating that their solicitors had discouraged paternal custody were asked **how** they had been dissuaded:

TABLE 4.6 Solicitors' Methods of Discouraging (Paternal or Joint) Custody

Method	Frequency of Mention % (N)
No chance through the courts/maternal bias of the courts	56 (23)
Refused to proceed with application	20 (8)
Litigation would be expensive or prolonged	12 (5)
Presentation of rationale for maternal custody (mother naturally better caretaker; paternal or joint custody not in children's best interests; challenged father's motive; outlined practical difficulties of paternal or joint custody)	12 (5)
Total	100 (41)

On the basis of fathers' reports, and current research evidence on solicitor attitudes toward custodial alternatives, solicitors appear to be important mediators between what fathers desire at the time of divorce (79% wanted at least partial physical custody--having their children live with, as opposed to visit, them) and what they finally obtain. In providing fathers with a basic knowledge of legal processes and (realistically) informing them that their chances of obtaining (paternal or joint) custody through the courts are, at best, minimal, solicitors effectively transform fathers' aspirations regarding custody. If the expectation is that the best fathers can hope for is regular access, this is what fathers feel compelled to accept. Contested custody cases, which continue to result in maternal custody determinations in the great majority of cases in Scotland and Ontario, form the basis of a body of law upon which fathers (and mothers) are advised by their solicitors; on occasion, if a father chooses not to follow his solicitor's advice of not challenging judicial precedent, his solicitor may simply refuse to proceed on his behalf. Fathers thus may be caught in a vicious cycle: solicitors perpetuate legal inaction vis-a-vis sole maternal custody because of an assumption of judicial prejudice, which becomes a self-fulfilling prophecy and creates continued inequities of its own.⁷

"He refused to even consider it. He gave me examples of men who had tried and failed. It was impossible and out of the question - such a case was

⁷ This argument is more fully developed in Chapter 6.2.

worthless, a waste of time. He suggested that maybe I was trying for custody only to get back at my wife". (Scottish "disengaged" father)

"He said my chances were practically nil and that it wasn't worthwhile pursuing. He didn't feel I could look after the children - I was the father, and I was working". (Scottish "disengaged" father)

The fact that solicitors transform fathers' aspirations regarding custody (on the basis of what would happen in court if custody was contested) appears to contradict fathers' depiction of solicitors' adversarial practices and the inherently adversarial nature of the judicial system: if solicitors are truly adversarial, they would consistently advise fathers to legally contest the issue of custody. A prolonged legal conflict, however, does not necessarily entail contested custody; in a large number of instances, fathers reported that access increasingly became the main issue of legal contention between the parties. The legal practices of solicitors in their "negotiations" over access (and financial aspects) were described as highly adversarial and as intensifying conflict, particularly in the manner that affidavits and other written communications were used, and in the discouragement of direct communication between the parents.

Solicitors' advice and encouragement regarding paternal access was markedly different to that of custody (Questions 48 and 49):

FIGURE 4.5 Solicitors' Advice Regarding Paternal Access

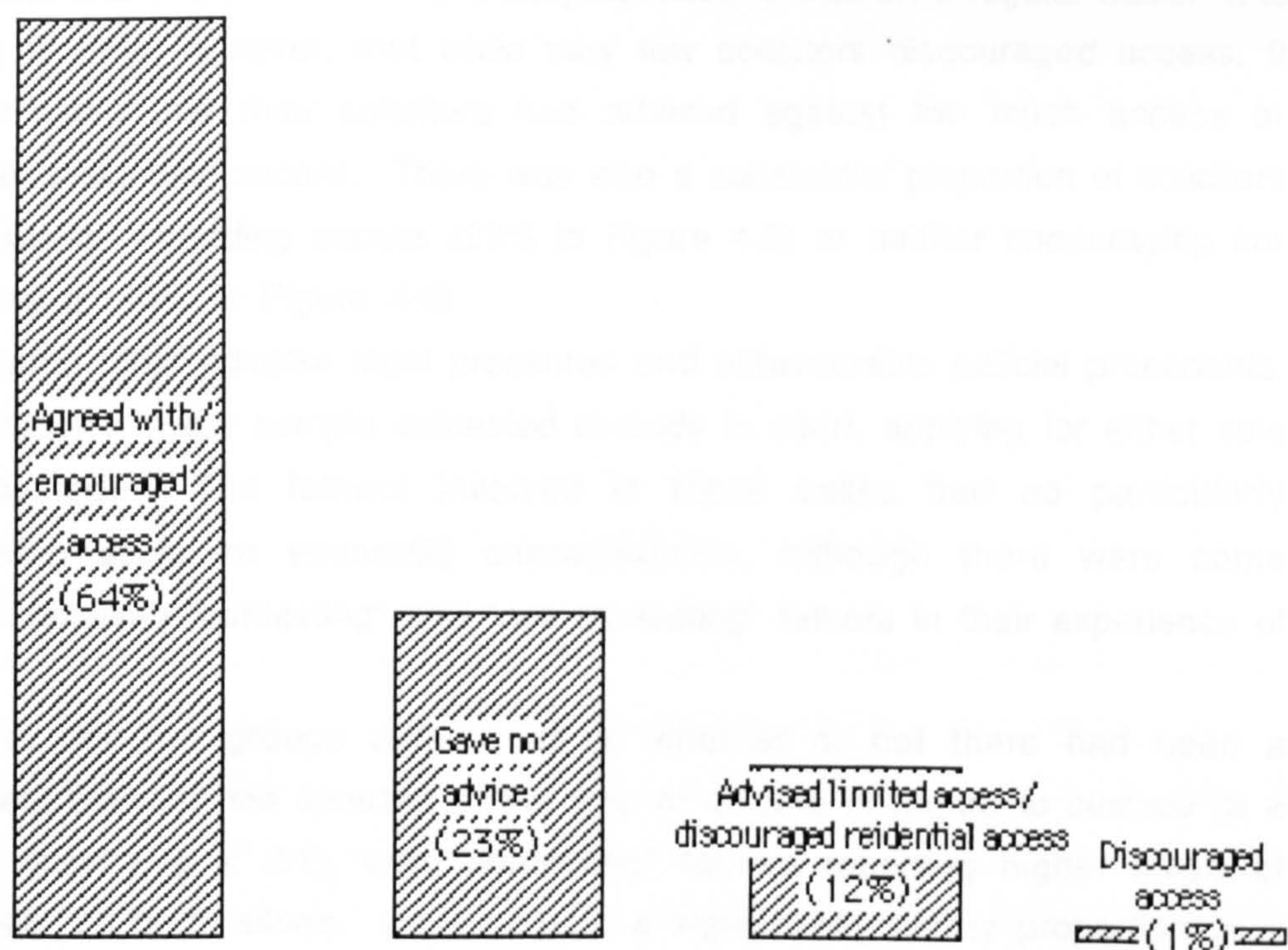
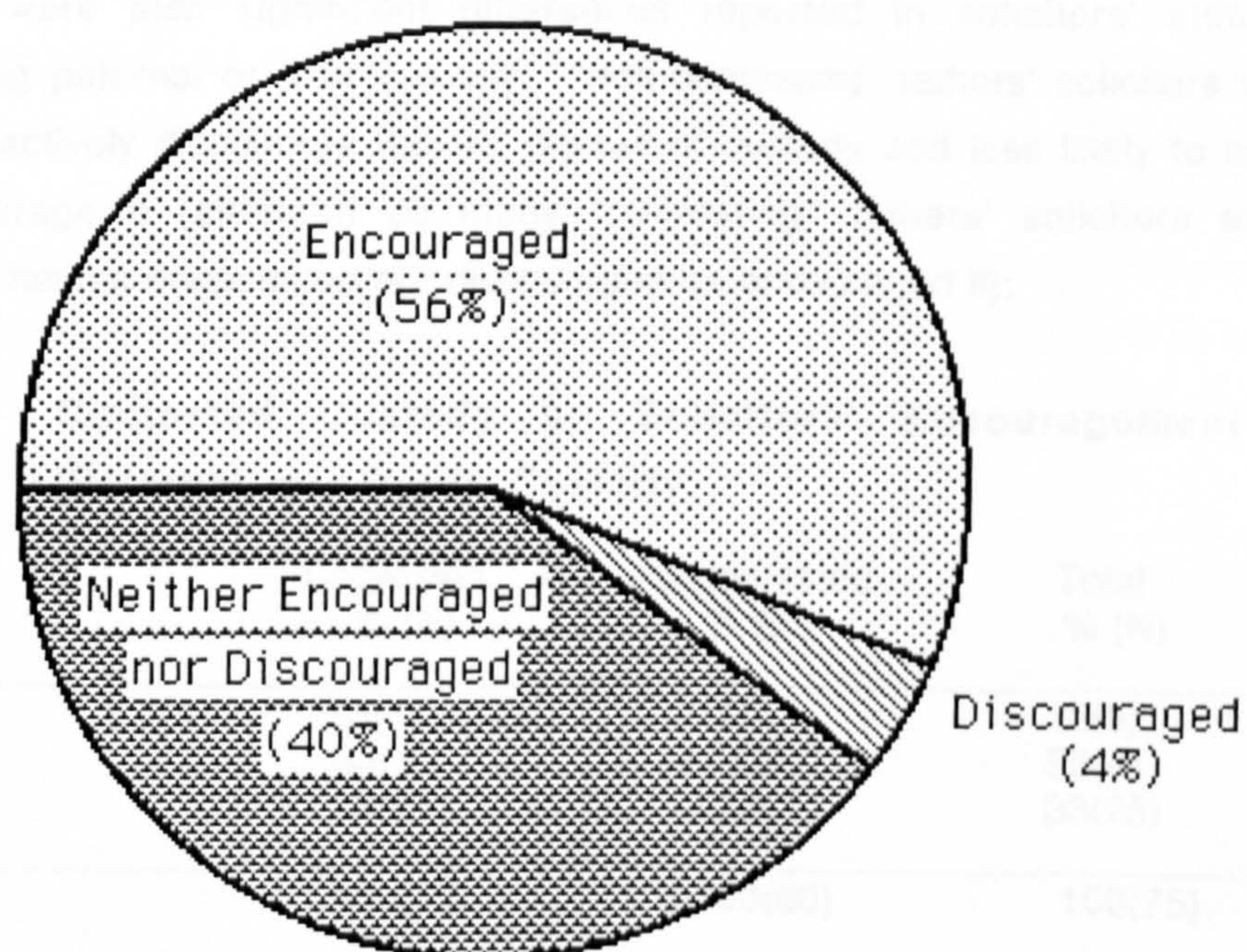


FIGURE 4.6 Solicitors' Encouragement of Paternal Access



The majority of solicitors actively encouraged fathers to pursue access; of the 42 who encouraged it, 18 suggested some form of court action, 10 legal

negotiation, 9 negotiation between the parents themselves, 4 some combination of these means, and one that the father simply continue to visit on a regular basis. It is interesting to note, however, that while very few solicitors discouraged access, 9 fathers indicated that their solicitors had advised against too much access or discouraged residential access. There was also a substantial proportion of solicitors giving no advice regarding access (23% in Figure 4.5) or neither encouraging nor discouraging it (40% in Figure 4.6).

Despite often adverse legal pressures and unfavourable judicial precedents, 15 of the fathers in our sample contested custody in court, applying for either sole or joint custody. The fathers involved in these cases had no particularly distinguishing social or economic characteristics, although there were some differences between "contesting" and "non-contesting" fathers in their experience of divorce.

First, the two groups differed as to whether or not there had been a disagreement between the spouses at the time of divorce in regard to custody ($p < .001$) and access ($p < .01$), with "contesting" fathers reporting higher levels of disagreement on both issues. As expected, a significantly higher proportion ($p < .05$) of "contesting" fathers also reported that they had wanted at least partial physical custody of their children at the time of divorce (with all 15 "contesting" fathers having expressed this desire).

There were also significant differences reported in solicitors' attitudes toward pursuing paternal or joint custody: "non-contesting" fathers' solicitors were more likely to actively discourage fathers' pursuit of custody and less likely to agree with or encourage it (although as many "contesting" fathers' solicitors either discouraged or neither encouraged nor discouraged as encouraged it):

TABLE 4.7 Contested Custody by Solicitors' Encouragement of (Paternal or Joint) Custody

	Contested % (N)	Uncontested % (N)	Total % (N)
Encouraged	33(5)	7(4)	12(9)
Discouraged	33(5)	60(36)	55(41)
Neither	33(5)	33(20)	33(25)
Total	100(15)	100(60)	100(75)

$p < .05$

It is also interesting to note that in 3 of the 4 cases where solicitors had informed fathers of the option of joint custody, fathers subsequently decided to contest the determination of sole maternal custody.

Not surprisingly, "contesting" fathers were significantly more dissatisfied with the fairness of any court hearing in relation to custody and access ($p < .001$); all 15 indicated that they were dissatisfied.

There was no relationship between fathers' decision to contest custody and the level of general conflict (as opposed to disagreement over custody and access) between the spouses either during or after the divorce. There was also little relationship between fathers' contesting custody and their subsequent level of contact with their children: of the 15 "contesting" fathers, 10 remained in contact and 5 became disengaged.

In regard to all other variables, there were no apparent differences between fathers who decided to legally challenge maternal custody and those who did not.

In sum, while the great majority of all fathers expressed a desire for at least partial physical custody of their children, most did not legally contest the issue; the active discouragement of their solicitors and a prevailing perception of a judicial system operating as if there is a maternal presumption were cited as critical factors in fathers' decisions not to contest. There were other factors mentioned by a number of fathers, including their aversion to utilising an adversarial approach within which their children would be "caught in the middle," and their belief that their children had experienced sufficient trauma without the added disruption of a prolonged custody battle, which could only be harmful to their well-being; their reluctance to assume a "fighting" posture toward their ex-wives, and the fact that some still held the hope of an eventual reconciliation, fearing that a custody dispute would jeopardise any possibility of such an outcome; and (in very few instances) their recognition that employment constraints largely mitigated against their assumption of custody.

"... I was terribly emotionally distraught - I wanted my family back together at any cost. I didn't want a separation - I was working toward a reconciliation for a year and a half. So I never thought about custody or access or property settlement - I was very naive. Later on it was just a fait accompli because I let Julian stay with her for too long". (Ontario "contact" father)

... I won't use violent means to re-establish my bond with him. How could I maintain my integrity otherwise? How could I then face my son?" (Scottish "disengaged" father)

Initiator of divorce. Significant differences emerged in reference to some of the legal aspects of the divorce according to who initiated the divorce. The influence of

their wives' solicitors in regard to custody and access issues was reported by fathers as stronger when their wives had initiated the divorce ($p < .05$). The advice of fathers' solicitors in relation to custody and access, in contrast, was independent of initiator of divorce: fathers' solicitors appeared to offer them the same type of advice regarding custody and access regardless of who actually initiated the divorce.

There was a greater likelihood of maternal custody being determined by either legal negotiation or court action (as opposed to mutually negotiated between the parents) if the divorce was initiated by the wife ($p < .01$). There was also an association between initiator of divorce and fathers' level of satisfaction with the fairness of any subsequent court hearing(s) in relation to custody and/or access, with higher levels of dissatisfaction reported when wives had been the initiators ($p < .05$).

Cross-national comparison. There were several differences between the Scottish and Ontario sub-samples in regard to a number of legal aspects of the divorce. Although fathers' (largely negative) assessments of the effects of solicitors on the subsequent father-child relationship and the appropriateness of judicial resolution of custody and access issues were similar in both locales, there was considerably more dissatisfaction with the fairness of any court hearings regarding custody and/or access in Ontario ($p < .05$); Ontario fathers were more likely to indicate a perceived maternal bias in regard to custody and access operating within the courts (the frequency of custody and access hearings was similar in the two locales). It may be that while maternal custody determinations are largely expected by fathers in Scottish courts (with the option of joint custody being virtually unavailable), a wider public knowledge of alternative post-divorce custodial arrangements in Ontario may have raised expectations regarding what is obtainable through the courts. The final legal outcome, however, in fact differs little between the two jurisdictions; equivalent rates of maternal custody determinations obtain in both contested and uncontested cases in Scotland and Ontario.

While the nature of the advice fathers received from their solicitors in relation to custody and access did not differ between Scotland and Ontario, there were significant differences evident in fathers' perceptions of their wives' solicitors' advice in this regard ($p < .05$): while Scottish solicitors acting on behalf of mothers were more likely to offer either no advice (the 6 fathers reporting that their wife's solicitor had offered no advice regarding custody and access were all Scottish) or simply counselled sole maternal custody, the advice given by Ontario lawyers to mothers was more specific in relation to terms of paternal access: sole maternal custody with no access, limited access, or defined access.

While the relative modes of custody and access resolution (court action, legal negotiation, or mutual negotiation between the spouses) did not differ in the two jurisdictions, the actual types of access arrangements varied considerably ($p < .05$): there were significantly fewer legal access arrangements made in Scotland, while the great majority of access arrangements in Ontario were legally (and more explicitly) defined.

Finally, whereas fathers' awareness of conciliation services at the time of the divorce did not differ between Scotland and Ontario, there were significant differences reported in fathers' awareness of joint custody or "shared parenting" at that time ($p < .01$), with more fathers being aware in Ontario (although the majority in both locales had not been). Again, this may be a result of wider publicity of alternative post-divorce structural arrangements in Ontario.

The salience of legal processes for fathers in both Scotland and Ontario was equivalent. In both locales, when asked the open-ended question of their perception of the major issues confronting divorced fathers in relation to their children, fathers referred to their experience with solicitors and the legal system as critical in determining the nature of their post-divorce relationships with their children. The issues they independently identified were virtually identical in Scotland and Ontario:

TABLE 4.8 Major Issues Identified by Fathers Regarding Divorce

Legal Issues	Number of Times Mentioned
Maternal bias	20
Adversarial nature of legal system	14
Withheld access/legal system ineffective in ensuring paternal access	12
Legal system not sensitive to/unqualified in respect to emotional needs of family members	8
Comments relating to need for conciliation counselling/mediation	16
Comments relating to need for joint custody/ shared parenting after divorce	14

The issues most frequently identified by fathers included their perception of a maternal bias within the judicial system in relation to custody and access determination, and the fundamentally adversarial nature of legal resolution of these issues. Fathers' primary concern upon divorce was the maintenance of a meaningful post-divorce relationship with their children, beyond traditional access

arrangements and involving at least partial physical custody; they attributed the discouragement and adversarial approach of solicitors and the legal system as primarily responsible for their failure to obtain such an arrangement. While caution must be exercised regarding some respondents' tendency to minimise their own role in the subsequent deterioration of the father-child relationship, it is highly significant that a majority of divorcing fathers desired an ongoing relationship beyond the limitations of their subsequent "non-custodial" status, and that solicitors and the judicial system appeared to be important mediators between fathers' stated wishes and what they finally obtained.

CHAPTER 5

Discontinuity Between Pre- and Post-divorce Father-child Relationships: Contact and Disengaged Fathers Compared

This chapter is concerned with patterns of post-divorce paternal contact and the link between the pre- and post-divorce father-child relationship. It presents the third major (largely unexpected) finding of the study: there is a striking discontinuity between pre- and post-divorce father-child relationships, with those fathers most involved with and attached to their children during the marriage being most likely to lose contact after divorce, and those relatively less involved and attached more likely to remain in contact. The first section introduces the issue of the link between pre- and post-divorce father-child relationships, and presents our main finding in relation to contact and disengaged fathers: the discontinuity between pre- and post divorce father-child relationships. Section 2 compares the post-divorce experiences of contact and disengaged fathers, distinguishing between legal and other external factors, and fathers' grief reaction and other internal factors. Finally, before examining the dynamics underlying the process of disengagement in Chapter 6, we look at the distinguishing characteristics of contact fathers in Section 3 and of disengaged fathers in Section 4.

1. Pre- and Post-divorce Father-child Relationships

While the majority of all non-custodial fathers manifest a grief reaction in the initial period during divorce, with the passage of time clear differences begin to emerge among fathers. While many fathers continue, well after the divorce, to display symptoms associated with bereavement and portray themselves as being "stuck" in the grieving process, many others are able to successfully work through initial difficulties and eventually develop meaningful attachments with their children within the confines of the "visiting" relationship. In the present study, the fathers who appeared to arrive at some level of resolution of their grief and to make a positive transition to divorce were those who were in fact able to maintain regular contact with their children. There are positive outcomes of divorce for many non-custodial fathers; several of those who had ongoing contact with their children described the divorce as helping them to actually expand their involvement with their children.

The positive outcomes of divorce for the father-child relationship, however, are largely overshadowed by the predominantly negative effects described in Chapter 3. Non-custodial fathers have a strong likelihood of becoming disengaged fathers: as noted earlier, in 52% of Furstenberg's (1983) sample of 1,337 children of

divorce, the last contact between fathers and their children had been one or more years prior, only one-third of the children averaged monthly or more contact with their fathers, and more than twice as many had no contact with their father in the past 5 years as had visited with him once a week or more--36% versus 16%.

The disengagement of non-custodial fathers from their children's lives more often involves a gradual process rather than a single event. Hetherington et al (1976) and Wallerstein and Kelly (1980) found that the process typically begins soon after the marital separation and gradually deteriorates over time, most sharply at about twelve months after separation; Mitchell (1986) found that between 25-30% of children lose contact with their non-custodial fathers very soon after the separation. Although the present study found a range of patterns in relation to the time frame of disengagement, the first six months after divorce (separation) were crucial vis-a-vis the establishment and consolidation of post-divorce patterns. For the majority of fathers, the process of disengagement began in the form of markedly decreased contact during this time; for many, the process of contact loss, beginning at the point of divorce, became complete within these first six months.

There is a critical period which strongly influences the nature of post-divorce father-child relationships: the transition period during divorce, from the time of divorce (separation) to about six months after, a time when multiple stresses impinge on all members of the divorcing family, legal processes have their greatest impact, and access patterns become established and consolidated, and subsequently become largely immutable. For most disengaged fathers, their disengagement from their children begins at or near the point of divorce, and contact gradually diminishes in the period during divorce. Faced with diminished contact and what they perceive to be rigid access arrangements, fathers face a dramatic disentanglement from the daily routines of their former relationship with their children: a drastic reduction of contact and role loss which over a period of time translates to their complete disengagement from the lives of their children.

The present chapter compares the characteristics and experiences of contact and disengaged fathers before, during and after divorce. It is intended to be largely descriptive, whereas Chapter 6, focusing primarily on the 40 disengaged fathers in our sample, will offer a more detailed analytical presentation of the phenomenon of disengagement and its aetiology.

Link between pre- and post-divorce father-child relationships. While the issue of non-custodial fathers' contact with/disengagement from their children has not been empirically or systematically examined, it is commonly assumed that post-divorce father-child relationships will largely reflect those previously existing within the marriage. That is, those fathers assuming a comparatively active role with their children before the divorce will want to maintain, and will strive to continue, such a role after divorce--and hence are the group most likely to have ongoing (post-divorce) contact. Such fathers, because of their involvement with their children, are more likely to form strong attachment bonds which they will actively seek to preserve. Conversely, it is expected that those fathers who locate themselves on the periphery of their children's lives before the divorce will be the group most likely to lose contact; they will become the "disengaged" fathers.

The assumption that the father-child relationship will be broadly continuous in the post-divorce period with that which had obtained during the marriage is in accord with prevailing "common-sense" notions as well as with psychological theory. Wallerstein and Kelly (1980), however, in looking at the patterns of contact between non-custodial fathers and their children, discovered that the relation between pre- and post-divorce patterns was surprisingly varied. They found that the way in which a non-custodial father managed to define his post-divorce parenting role was not correlated with the nature of his pre-divorce role: 18 months after divorce (separation), there was no correlation whatsoever between the visiting patterns that had emerged and the pre-divorce father-child relationship (Wallerstein and Kelly, 1980:122). Contrary to "common-sense" formulations, they found no differences between those non-custodial fathers who remained in contact and those who disengaged from their children's lives in the level of their involvement with and attachment to their children before the divorce. In a five-year follow-up, the authors continued to find no correlation between the closeness in father-child relationships before and after divorce: 25% of the fathers in their study grew more distant from their children in the space of 5 years, but another 25% actually grew closer (ibid).

We believe that our sample of non-custodial fathers may be more representative of the general population of such fathers than that of Wallerstein and Kelly who drew their sample from a clinical population of parents and their children, and provided a counselling service aimed partly at ensuring ongoing contact between fathers and their children. In comparing the two sub-groups of contact and disengaged fathers, one of our objectives was to examine whether pre- and post-divorce father-child relationship patterns were similar to those identified by Wallerstein and Kelly, or whether they tended to conform to the "common-sense" formulation. In fact, our results differed from those of Wallerstein and Kelly, yet diverged even further from what "common-sense" notions would assume. A more striking discontinuity between pre- and post-divorce father-child relationships was observed in our study: rather than there being no correlation between pre- and post-divorce patterns, there appeared to be a strong inverse relationship. Fathers describing themselves as having been highly involved with and attached to their children, influential in their development, and sharing "family work" tasks before the divorce were more likely to lose contact with their children after divorce than fathers defining themselves in a more traditional manner, being peripherally involved and reporting lower levels of father-child attachment. The fathers scoring lowest on indices of infant and child-care, attachment to their children, influence in various areas of their child's development, and on measures of androgeny before the divorce, were more likely to remain in contact with their children after divorce.

Discontinuity between pre- and post-divorce father-child relationships. In relation to most indices of infant and child-care, emotional attachment, and perceived level of influence in various areas of children's growth and development, marked differences emerged between the contact and disengaged fathers in our study. While the majority of disengaged fathers viewed the divorce as severing what had been close affective bonds between their children and themselves, most of the contact fathers described themselves as having been less directly involved and attached, and often did not see the divorce as significantly diminishing the relationship. Problems do arise vis-a-vis the reliability of our finding of such an inverse relationship; the self-report and retrospective nature of the study remains an important limitation. It may be argued that disengaged fathers' high

reported levels of pre-divorce involvement with, attachment to, and influence on their children is largely an artifact of recall: the importance of interaction with one's children is heightened by separation from and loss of contact with them, and disengaged fathers in particular may tend to embellish the former relationship. Corroborative data from other members of the divorced family is not available, and we have no direct access to information about the former father-child relationship, other than that given to us solely by the fathers themselves and solely by their recollection.

It should be noted, however, that overall reported rates of pre-divorce paternal involvement, attachment, and influence (from the entire sample of contact and disengaged fathers) were observed to fall within the reported range of paternal participation in the two-parent family in existing studies of the father role (see Chapter 3). Specifically, Kamo (1988) found that on the average husbands carry 36% of the total domestic workload (domestic tasks plus child care), which increases to 41% when both spouses are employed full-time and 43% when both earn approximately the same amount of money; Martin and Roberts (1984) found that while 44% of married women in Britain working full-time said they shared overall family work (domestic tasks plus child care), 67% saw child care as shared. Our overall mean levels of paternal participation in a range of infant care tasks, for example (ranging from 24 to 46%--relative to their wives' involvement) are well within the range of these and other studies (40% in Warner, 1986, and 27% in Berk, 1985). Thus the aggregate rates of the pre-divorce levels of paternal involvement, attachment, and influence of our sample of fathers (contact and disengaged) largely correspond to the aggregate levels found in other studies of the paternal role.

Further, fathers' involvement with and attachment to their children before the divorce were measured by means of a number of discrete indices; multiple measures relevant to the same dimension were used. Specific questions gauging fathers' involvement in specific tasks (Questions 14-20 and 86-95) were included in an effort to minimise the effects of retrospection, and on each of these, disengaged fathers consistently reported significantly higher levels than contact fathers. Several questions relating to attitudes and ideologies regarding gender roles in the

family were checked against fathers' self-ratings on those indices, and fathers' reported ideologies were observed to closely correspond to their reported rates of involvement with, attachment to, and influence on their children. Finally, on all questions of an open-ended nature, disengaged fathers demonstrated as vivid a recall of pre-divorce patterns and events as contact fathers, with numerous examples and illustrations of their pre-divorce bond. Disengaged fathers were particularly conscious of the negative impact of various aspects of the divorce process on their children, a reflection of their previous attachment. At the very least, it is significant that disengaged fathers in particular stressed the value and importance of active and affective fathering in their children's growth and development, and the damaging consequences of the loss of the father-child relationship on their children's adjustment to divorce.

Notwithstanding the fact that the above lends some support to the reliability of our finding of an inverse relationship between pre- and post-divorce father-child relationships, however, the self-report and retrospective nature of our data places limits to our confidence about the inversion hypothesis: the discontinuity between pre- and post-divorce father-child relationships is a speculative finding which calls for further investigation before it can be firmly upheld.

Observed differences. In regard to their level of involvement (relative to their wife's contribution) in a variety of infant care tasks, significant differences were observed between contact and disengaged fathers in reported rates of playing with the baby, lulling the baby to sleep, and taking the baby for a walk, with disengaged fathers reporting higher rates of participation (all $p < .01$), as well as in taking the baby to the doctor and looking after him or her when he or she was ill ($p < .05$). Slightly higher levels were also reported by disengaged fathers in bathing the baby, feeding the baby, and preparing the baby's meals ($p < .10$). In the realm of domestic tasks, there were fewer differences between the two groups, although disengaged fathers reported higher rates of involvement in doing the laundry ($p < .01$) and household cleaning and preparation of family meals (both $p < .05$).

There were also significant differences in the reported amount of contact fathers had with their children in the year before the divorce ($p < .05$): while contact fathers spent an average of 12 hours per week with their children alone and 16 hours with others present, disengaged fathers spent 20 hours alone and 20 hours with others.

In addition to fathers' reports of their actual behaviour within the marriage, their level of emotional attachment to their children was measured. As noted, non-custodial fathers in general reported a high level of emotional attachment to their children during the marriage; here too, however, significant differences emerged between the contact and disengaged sub-groups. Disengaged fathers reported "very strong" attachment to their children to a significantly greater degree than did contact fathers ($p < .05$), who more frequently reported "strong" and "moderate" attachment. This pattern was reflected in fathers' self-ratings on a number of attachment indices (thinking about children, wanting to be with children when not with them, comforting children when in distress, and discussing feelings with children): disengaged fathers reported significantly higher levels ($p < .01$).

Also significant was the fact that almost all (38 of 40) disengaged fathers found their family role to be the most satisfying during the marriage, whereas only just over half (22 of 40) of contact fathers did so, with 18 of 40 contact fathers indicating a primary attachment to their work or other (non-family) roles ($p < .001$).

Finally, in reference to paternal influence in various areas of children's growth and development before the divorce, in 9 of the 10 areas examined (Questions 86 to 95), disengaged fathers reported significantly higher levels of influence on their children's growth and development before the divorce than did contact fathers; differences between the two groups emerged in the areas of routine daily care and safety of children, personality development, intellectual development, physical development, and moral development (all $p < .01$), in addition to giving children a feeling of being part of a family, teaching behaviour and social skills, emotional development, and religious development (all $p < .05$). There were no significant differences between the two groups in their pre-divorce influence on the financial affairs of their children.

Fathers' ideologies regarding gender role division within the family were also examined; if ideologies match reported levels of pre-divorce behavioural involvement, attachment, and influence, we may be more confident in asserting that the differences between contact and disengaged fathers are genuine; if they do not correspond, our findings may be more likely called into question.

Quantitative and qualitative analysis revealed very different perceptions between contact and disengaged fathers in relation to attitudes toward gender role division in the family, fathers' reported strengths and weaknesses as parents during the marriage, and definitions of "fathering", "mothering" and "family life". Whereas contact fathers' responses were divided between "traditional" and "androgynous"

orientations to gender roles and division of labour within the family, the great majority of disengaged fathers tended toward an "androgynous" stance, expressing sentiments favouring an egalitarian division of family work.

When asked directly about gender role division within the family ("Is there a fundamental difference in roles between the father and the mother in the family?"), clear differences emerged between contact and disengaged fathers:

TABLE 5.1¹ Paternal Contact by Fathers' Ideologies Regarding Gender Roles

Role Division Within the Family	Contact % (N)	Disengaged % (N)	Total % (N)
No difference between "father" and "mother" roles ("androgynous" orientation)	50 (20)	82 (33)	66 (53)
No difference between "father" and "mother" roles, although society structured according to gender role division ("qualified" orientation)	8 (3)	8 (3)	8 (6)
Clear difference between "father" and "mother" roles ("traditional" orientation)	42 (17)	10 (4)	26 (21)
Total	100 (40)	100 (40)	100 (80)

$p < .01$

In addition, significant differences between the contact and disengaged sub-groups emerged when asked for their definitions of "fathering" and "mothering", with disengaged fathers more likely to equate the two ($p < .01$).

Rather than post-divorce patterns reflecting pre-divorce father-child relationships, then, or there being no correlation between the two, there appears to be a strong inverse relationship, with significant differences consistently reported between contact and disengaged fathers in their pre-divorce involvement with, attachment to, and influence on their children, as well as in their attitudes and ideologies relating to gender roles in the family. This pattern of discontinuity was equally evident in the Scottish and Ontario sub-samples.

¹ Table listed according to column percentages.

2. Contact and Disengaged Fathers Compared

Demographically, there were no observable differences between contact and disengaged fathers; it was found, however, that differences emerged between the two groups in regard to a number of external factors, such as fathers' experiences with the legal system and their relationships with their former wives, and to internal factors, such as fathers' experiences of the bereavement process, and their reactions to child absence, role loss, and the constraints of the "visiting" relationship.

There were no apparent differences between contact and disengaged fathers in relation to age, length of marriage, length of separation, or occupation and income of respondent. The sex and age of the children involved were marginal in determining whether a father continued ongoing contact or became disengaged. Initiator of separation also was not a statistically significant factor vis-a-vis contact/disengagement, although in 30 of the 54 wife-initiated divorces fathers became disengaged, whereas in 16 of the 26 husband- or mutually-initiated divorces fathers subsequently remained in contact. Whether or not a father was legally divorced was not associated with post-divorce paternal contact in our study, nor was remarriage of the father².

Surprisingly, paternal contact did not seem to be associated with various "practical" difficulties identified in the literature as potentially inhibiting a divorced father's subsequent contact with his children. Post-divorce paternal contact was not associated with either the type and size of the father's accommodation after divorce or the distance between the father's residence and that of his children: adequate accommodation and close proximity did not ensure paternal contact. The majority of both contact and disengaged fathers did not consider distance, transportation, finances, or work schedule as significant problems in relation to their ongoing contact with their children.

Legal and other external factors. As we have seen, an important component of non-custodial fathers' experiences during and after divorce was their contact with solicitors and the legal system; a number of important differences emerged between contact and disengaged fathers in terms of the legal aspects of the divorce.

There was no significant difference between contact and disengaged fathers in their pattern of contesting custody: of the 15 non-custodial fathers who had contested the issue of maternal custody in court, 9 remained in contact with their

² This lack of an association is qualified by the fact that only a small number--9 in total--of the 80 fathers in our study had remarried. Of these, 3 were disengaged fathers.

children and 6 became disengaged. There was no relationship between paternal contact and spousal disagreement over the issue of custody at the time of the divorce, nor was there any difference between the two groups in terms of desired legal (paternal or joint) custody of the children. There was a difference, however, in relation to desired physical custody of the children at the time of the divorce ($p < .05$), with disengaged fathers expressing a desire for at least partial physical custody with greater frequency than contact fathers. Also, when asked about their desired level of contact with their children after divorce, disengaged fathers expressed a desire for increased levels with much greater frequency than contact fathers ($p < .001$). Thus from the point of divorce, at which time they report a greater desire for at least partial physical custody, disengaged fathers' requirements for post-divorce contact with their children appear to be greater than those of contact fathers.

The frequency of legal determinations of maternal custody in our sample did not vary significantly between contact and disengaged fathers, although in 10 of the 15 cases where maternal custody arrangements had not been legally ratified, fathers subsequently remained in contact with their children. There was no relationship between paternal contact and the mode of legal custody determination (mutually between father and mother, negotiated via solicitors, or court action), although in 3 of the 4 mutually-arranged determinations, fathers subsequently remained in contact with their children.

There were significant differences, however, between contact and disengaged fathers in their satisfaction with the legal maternal custody arrangement, with 12 of the 14 fathers satisfied with the legal arrangement being contact fathers, and 33 of the 51 dissatisfied being disengaged ($p < .01$). There were also differences in relation to fathers' reasons for dissatisfaction with the legal maternal custody arrangement, with legal maternal custody determinations often cited by disengaged fathers as responsible for their loss of contact with their children³ :

³ Maximum of two reasons recorded per respondent; the relative frequency of fathers' first reason are presented in Table 5.2. Again, fathers' reports should be treated with caution, as fathers' own role in their loss of contact with their children was not indicated in this context.

TABLE 5.2 Paternal Contact by Reasons for Dissatisfaction with Legal Maternal Custody Arrangement⁴

Reason	Contact % (N)	Disengaged % (N)	Total % (N)
Wanted paternal or joint custody	28 (5)	27 (9)	28 (14)
Sole maternal custody perceived to result in no paternal contact with children	--	27 (9)	18 (9)
Sole maternal custody perceived to allow ex-wife to cut off contact between father and children	6 (1)	24 (8)	18 (9)
Sole custody seen as not in children's best interests/welfare of children compromised	22 (4)	12 (4)	16 (8)
Sole maternal custody perceived to result in not enough paternal contact with children	33 (6)	3 (1)	14 (7)
Father is left with no legal rights vis-a-vis children	11 (2)	6 (2)	8 (4)
Total	100 (18)	100 (33)	100 (51) ⁵

p < .01

In relation to legal access arrangements, there was no relationship between paternal contact and spousal disagreement over the issue of access at the time of the divorce, nor were there any differences between contact and disengaged fathers in whether or not there had actually been a legal determination of access, or the mode of legal access determination (mutually between father and mother, negotiation via solicitors, or court action). There were, however, clear differences between the two groups in the type of legal access arrangement that had been made: of the 58 legal access arrangements made, all 10 of the "reasonable access" determinations (7 of which were made in Ontario) were associated with subsequent paternal disengagement:

⁴ Table listed according to column percentages. Again, as with tables following, categories are post-coded.

⁵ Fifty-one of 65 fathers with legal maternal custody determinations were dissatisfied with the arrangement.

TABLE 5.3 Paternal Contact by Legal Access Arrangement

Type of Arrangement ⁶	Contact % (N)	Disengaged % (N)	Total % (N)
"Reasonable"	-	17 (10)	17 (10)
"Flexible"	2 (1)	2 (1)	3 (2)
Defined	47 (27)	29 (17)	76 (44)
Other/don't know	-	3 (2)	3 (2)
Total	48 (28)	52 (30)	100 (58)

p <.01

Where no legal access determinations were made, the frequency of paternal contact and disengagement was about equal; no legal determination, however, is not tantamount to a legal access determination without any clear guidelines for actualising that access, insofar as each case of "reasonable access" was followed by fathers' disengagement. Further, a determination of "holiday" or "vacation access" (one of the 11 defined access arrangements) was also associated with paternal disengagement: all 5 such determinations were followed by fathers' loss of contact with their children. At first glance, these findings appear to counter those of Hirst and Smiley (1980) who, in comparing five patterns of paternal access, found that free and flexible access, as opposed to that which is rigidly defined, is most favoured by all members of the divorcing family and most successful in ensuring ongoing father-child contact once such an arrangement is in operation; in our sample, the less "defined" determination of "reasonable access" resulted in a subsequent loss of paternal contact. There are important differences, however, between Hirst and Smiley's definitions of "free" and "flexible" access and our "reasonable access". Their "free" and "flexible" arrangements were determined between the parents themselves outside the legal system, whereas our "reasonable access" determinations were obtained within it (6 by means of court action and 4 through negotiation between the solicitors); further, "reasonable access" was never fully operationalised by the 10 fathers in our sample. "Reasonable access," while a legal determination, is vague and intangible in practice and, according to fathers' reports, effectively allowed mothers to terminate fathers' contact with their children at an early stage. While it may be argued that fathers have the option of returning to court in situations of withheld "reasonable access," few believed such a course would produce beneficial results; as we shall see, those who did appeal to the court when

⁶ See Table 4.2 for breakdown of "defined" category.

access ("reasonable" or defined) was denied by custodial mothers, reported little or no lasting change in their pattern of contact with their children.

Not surprisingly, as with legal custody, there were significant differences between contact and disengaged fathers in their reported satisfaction with the legal access arrangement, with all 10 of the fathers satisfied with the arrangement being contact fathers, and 29 of the 47 dissatisfied being disengaged from their children ($p < .001$).⁷ There were also differences between the two groups in relation to their reasons for dissatisfaction with the legal access arrangement⁸ :

TABLE 5.4 Paternal Custody by Reasons for Dissatisfaction with Legal Access Arrangement⁹

Reason	Contact % (N)	Disengaged % (N)	Total % (N)
Too little access (or no residential access)	67 (12)	14 (4)	34 (16)
Legal access arrangement has resulted in no paternal contact with children	--	52 (15)	32 (15)
Legal access arrangement has allowed ex-wife to cut off contact between father and children	6 (1)	17 (5)	13 (6)
Wanted paternal or joint custody	6 (1)	10 (3)	9 (4)
Access arrangements too rigid, constrained	6 (1)	3 (1)	4 (2)
Other	18 (3)	3 (1)	9 (4)
Total	100 (18)	100(29)	100(47) ¹⁰

$p < .001$

In contrast to the strong differences that emerged between contact and disengaged fathers in relation to their satisfaction with legal custody and access arrangements, there were no differences between the two groups in regard to their satisfaction with legal post-divorce financial arrangements (property settlement

⁷ One (disengaged) father did not know the details of the legal access determination, and is excluded for the purposes of the present analysis.

⁸ Maximum of two reasons recorded per respondent; the relative frequencies of fathers' first reason are presented in Table 5.4. It is again suggested that fathers reports be treated with caution, as fathers did not comment here on their own role in disengagement.

⁹ Table listed according to column percentages.

¹⁰ Forty-seven of 57 fathers with legal access determinations were dissatisfied with the arrangement.

and support payments/aliment), or in regard to any aspects of the legal financial arrangement.

Interestingly, in relation to custody and access, there was no association between paternal contact and the type of advice fathers received from their solicitors. Further, there were no differences between contact and disengaged fathers in their solicitors' methods of discouraging paternal or joint custody or their suggestions as to how to pursue access. Fathers' overall ratings of solicitors vis-a-vis helping or hindering their subsequent relationship with their children, and of the judicial system in relation to its appropriateness as a forum for determining child custody and access arrangements, however, differed significantly between the two groups. Those fathers reporting that solicitors had helped, both helped and hindered, or had no effect were more likely to be contact fathers (18 of 23 fathers) while a greater proportion of the disengaged fathers stated that their solicitors had in some way hindered their subsequent relationship with their children (31 of 52; $p < .05$). Although the great majority of both contact and disengaged fathers perceived the judicial system to be an inappropriate forum for determining child custody and access, all 6 of the fathers considering judicial resolution to be appropriate were contact fathers. A higher percentage of contact fathers reported satisfaction with the fairness of the court hearing regarding custody and/or access, while a higher proportion of disengaged fathers reported dissatisfaction ($p < .05$).

In sum, there were a number of important differences between contact and disengaged fathers in their experiences with solicitors and the judicial system, with disengaged fathers reporting higher levels of overall dissatisfaction as well as more profound repercussions of the legal system on their subsequent relationship with their children. It appears, however, that since the nature of the actual advice given by solicitors vis-a-vis child custody and access (specifically their discouragement of custody and encouragement of access) did not differ between contact and disengaged fathers, the differences between the two groups in their experiences with solicitors and the legal system cannot be attributed to the differential behaviour of solicitors. Indeed, it may be the very fact of the uniformity of approach among solicitors and the largely unvarying nature of judicial resolution vis-a-vis custody and access toward a group with very different experiences of fatherhood before the divorce--applying a homogeneous approach to a heterogeneous population--that contributed to disengaged fathers' high level of dissatisfaction and reported negative experiences. Contact and disengaged fathers enter the legal system with radically different family life experiences, with "now-disengaged" fathers reporting consistently higher levels of pre-divorce involvement with, attachment to, and influence on their children, and

"now-contact" fathers defining themselves in a more traditional manner, more likely to have been on the periphery of their children's lives. Fathers with quantitatively and qualitatively different pre-divorce patterns and relationships with their children are subject to a system that does not differentiate between such patterns; this, we believe, primarily accounts for the marked differences between contact and disengaged fathers in their reported experience with solicitors and the legal system.

Fathers were also asked about their experience with other sources of help, both formal and informal, used at the time of the divorce. There were no apparent differences between contact and disengaged fathers in the frequency of use of other sources, the type of sources used, the kind of help or advice that was offered, and the effects of the help or advice offered vis-a-vis their subsequent relationships with their children.

As we have seen, one of the major repercussions of a judicial mode of determining post-divorce custody and access arrangements, according to both contact and disengaged fathers, is that the prevailing "adversarial" approach of solicitors and the legal system serves to enhance or create an oppositional atmosphere between the former spouses. Quite revealing in this context was the fact that while no differences emerged between contact and disengaged fathers in the level of conflict between the parents at the time of divorce (separation), there was a strong relationship between paternal contact and post-divorce conflict between the parents. That is, there were no differences between contact and disengaged fathers as to whether a calm or turbulent atmosphere existed at the time of the divorce (before any major legal involvement of the parties); the differences between the two groups emerged only after legal processes had made their impact.¹¹ While 39 of 40 disengaged fathers assessed their post-divorce relationship with their former spouses as unfriendly or non-existent, only 14 of the 40 contact fathers did so; 26 of the contact fathers described the post-divorce contact between the ex-spouses concerning their children as friendly or "middling" ($p < .001$).

For the great majority (34 of 40) of disengaged fathers, contact with their ex-wives was reported as "non-existent". For non-custodial fathers, discontinued contact with the former spouse clearly does not bode well for continued contact with one's children: only 6 fathers had managed to remain in contact despite this problem.

Paternal contact was strongly related to former wives' encouragement/discouragement of fathers' contact with their children after divorce,

¹¹ This argument is more fully developed in Chapter 6.

with all 40 disengaged fathers indicating that their ex-wives had actively discouraged contact, compared with only 14 contact fathers ($p < .001$). For the majority of fathers, some level of encouragement on the part of their former spouses was necessary to facilitate ongoing contact with their children, although 14 of 40 fathers were able to remain in contact despite their ex-wives' discouragement. There were also differences between contact and disengaged fathers in the ways their ex-wives had discouraged post-divorce father-child contact, with outright refusal of access being much more predominant among disengaged fathers¹²:

TABLE 5.5 Paternal Contact by Wives' Methods of Discouraging Father-child Contact after Divorce

Methods of Discouragement	Contact % (N)	Disengaged % (N)	Total % (N)
Refusal of access	19 (3)	45 (18)	38 (21)
Condemnation of father to children	6 (1)	15 (6)	13 (7)
Periodic refusal of access/refusal of residential access	25 (4)	5 (2)	11 (6)
Children not ready for access visit/arrangements changed at "last minute"	6 (1)	10 (4)	9 (5)
Moving with children to unknown location	--	10 (4)	7 (4)
Legal action	19 (3)	3 (1)	7 (4)
Confrontation at time of access visit	--	8 (3)	5 (3)
Using child as "pawn" or "go-between"	13 (2)	--	4 (2)
Refusal of telephone contact	--	3 (1)	2 (1)
Access as lever to obtain financial concessions	6 (1)	--	2 (1)
Putting onus on father to arrange access	6 (1)	--	2 (1)
Punishing child for visiting	--	3 (1)	2 (1)
Total	100(16) ¹	100(40)	100(56) ¹⁴

$p < .01$

¹² Maximum of three per respondent; the relative frequencies of the first method cited by fathers are presented in Table 5.5.

¹³ Fourteen contact fathers indicated that their wives had in some way discouraged contact; two stated that they had both encouraged and discouraged.

¹⁴ Fifty-six of 80 fathers indicated that their wives had in some way discouraged father-child contact after divorce.

In sum, marked differences exist between contact and disengaged fathers not only in regard to their experiences with solicitors and the judicial system, but also in their post-divorce relationship patterns with their former spouses. These two related factors are critical in determining the consequences of divorce for fathers; that is, the actual boundaries of the post-divorce father-child relationship.

Grief reaction and other internal factors. Fathers' own adaptations to the consequences of divorce similarly influence the nature of post-divorce father-child relationships. The process of grieving took a radically different course for contact and disengaged fathers. While contact fathers were able to establish new relationships with their children within the confines of "non-custody" in the critical period during divorce, and arrived at a level of resolution of their grief, disengaged fathers were largely unsuccessful in this regard.

The grief of non-custodial fathers is reflected in the frequency, intensity and duration of physical and mental health problems resulting from the divorce; significant differences emerged in this regard between contact and disengaged fathers ($p < .01$). The majority of disengaged fathers experienced stress severe enough to result in the development of new physical and mental health problems: 28 (of 40) disengaged fathers developed physical symptoms, while 32 experienced mental health difficulties after divorce. The majority of contact fathers reported no new physical or mental health problems. Disengaged fathers also indicated a significantly higher level of negative effects on their work or career ($p < .01$).

Child absence, defined by legal custody and access arrangements and the actual amount of contact between father and child during and after divorce, is experienced differently by contact and disengaged fathers, with disengaged fathers reporting more negative effects. Disengaged fathers, relatively highly involved with and attached to their children before divorce and faced with a dramatic loss of contact within the context of limited access arrangements, experienced the negative effects of their children's absence more acutely than contact fathers. For contact fathers, who had been relatively less involved with and attached to their children, adaptation to a "part-time" father-child relationship did not seem to represent the same type of contact loss and child absence, although experienced, did not appear to be as problematic an issue:

TABLE 5.6 Paternal Contact by Child Absence Effects¹⁵

	Contact % (N)	Disengaged % (N)	Total % (N)
Negative effects	76 (30)	96 (38)	85 (68)
Positive effects	6 (2)	--	3 (2)
Both positive and negative/ neither positive nor negative, or no effects	20 (8)	6 (2)	13 (10)
Total	50 (40)	50 (40)	100 (80)

p < .05

While the majority of both contact and disengaged fathers identified primarily negative effects of their children's absence, 10 of the 12 fathers not citing solely negative effects were contact fathers. More striking differences between the two groups, however, emerged in the types of negative effects identified by fathers, with more disengaged fathers citing depression and a sense of loss in relation to child absence¹⁶ :

¹⁵ Respondents were allowed a maximum of three effects, and these were reclassified according to one of negative, positive, or both/neither.

¹⁶ Table 5.7 is based on the first effect identified by fathers (with a maximum of three per respondent).

TABLE 5.7 Paternal Contact by Negative Effects of Child Absence¹⁷

Effects	Contact % (N)	Disengaged % (N)	Total % (N)
Depression/sense of loss	24 (7)	76 (22)	100 (29)
Constant worry/yearning for children	53 (8)	47 (7)	100 (15)
Isolation/"emptiness"	67 (4)	33 (2)	100 (6)
Reference to loss of paternal influence/loss of daily routine with children	100 (5)	--	100 (5)
Generally negative/"bad in every way"	25 (1)	75 (3)	100 (4)
Like death/dying	25 (1)	75 (3)	100 (4)
Positive effects	100 (3)	--	100 (3)
Neither positive nor negative/no effects	100 (4)	--	100 (4)

p < .01

The above data suggests that the majority of disengaged fathers, in many instances well after the divorce, tend to remain at the "depression" stage of the grieving process. A number of fathers cited two or three major effects of child absence; of these, disengaged fathers again indicated feelings of depression and a sense of loss with considerably greater frequency than did contact fathers.

Related to child absence is role loss, the loss of a set of functions that together constitute the "father" role. Again, the problems of role loss appeared to be more pronounced for disengaged fathers: for those fathers actively involved with their children before divorce and who defined their identity largely in relation to their children, as the pre-divorce relationship was perceived to be lost, so was the paternal role. A clear danger of child absence, as we have seen, is perceived role loss, leading to further disengagement: the greater the child absence, the less a father feels that he has a continuing parental role (Greif, 1979). Child absence produces a significant change in a father's perception of his functioning as a parent: he no longer sees himself as important or valued in that role, which can lead to eventual disengagement from his children (ibid).

We found that disengaged fathers did in fact perceive a marked change in their fathering roles during and after divorce, considering themselves to be significantly less influential in all major areas of their children's growth and development than

¹⁷ Table listed according to row percentages. Only the most frequently identified effects are listed.

did contact fathers, and rating their post-divorce parenting abilities significantly lower than contact fathers. Using Greif's (1979) framework, fathers were asked for their perception of any change (from before to after divorce) in ten functions that fathers perform vis-a-vis their children, which together constitute the "father" role:

TABLE 5.8 Paternal Contact by Perceived Change in Paternal Influence (Before and After Divorce)^{18,19}

Paternal Roles	Contact				Disengaged			
	Increase % (N)	No change % (N)	Decrease % (N)	Total % (N)	Increase % (N)	No change % (N)	Decrease % (N)	Total % (N)
1 Routine daily care **	12(5)	10(4)	78(31)	100(40)	—	—	100(40)	100(40)
2 Intellectual development *	15(6)	38(15)	48(19)	100(40)	—	—	100(40)	100(40)
3 Teaching behaviour / social skills *	5(2)	43(17)	53(21)	100(40)	—	—	100(40)	100(40)
4 Personality development *	13(5)	43(17)	45(18)	100(40)	—	—	100(40)	100(40)
5 Emotional development *	20(8)	35(14)	45(18)	100(40)	—	—	100(40)	100(40)
6 Giving child(ren) a feeling of being part of a family *	23(9)	33(13)	45(18)	100(40)	—	—	100(40)	100(40)
7 Physical development *	10(4)	55(22)	35(14)	100(40)	—	—	100(40)	100(40)
8 Financial affairs of children *	10(4)	50(20)	40(16)	100(40)	3(1)	5(2)	100(40)	100(40)
9 Moral development *	25(10)	55(22)	20(8)	100(40)	—	—	100(40)	100(40)
10 Religious development *	12(5)	70(28)	18(7)	100(40)	—	18(7)	83(33)	100(40)

* $p < .001$

** $p < .01$

In all ten areas of paternal influence, there were significant differences noted between contact and disengaged fathers. While all 40 disengaged fathers reported a decrease in influence in 8 of the 10 roles listed, the majority of contact fathers indicated either an increase or no change in paternal influence in 8 paternal roles.

Fathers were also asked about their perception of their parenting abilities after (as compared to before) the divorce. Again differences emerged; while the majority of both groups reported no change in their actual abilities as parents, disengaged fathers were more likely ($p < .05$) to report a decrease in their abilities and contact fathers more likely to perceive an improvement or no change in their abilities.

¹⁸ Table listed according to row percentages.

¹⁹ Pre-coded categories, listed in order of total amount of decrease in influence.

The third major element of non-custodial fathers' grief reaction concerns the constraints of the post-divorce "visiting" relationship. Again, for disengaged fathers, "visiting" their children often tended to engender a sense of loss and depression, while a number of contact fathers were able to eventually establish a satisfying relationship with their children within these same limitations:

TABLE 5.9²⁰ Paternal Contact by "Visiting" Effects on Fathers

	Contact % (N)	Disengaged % (N)	Total % (N)
Negative effects	70 (28)	98 (39)	84 (67)
Positive effects	18 (7)	--	9 (7)
Both positive and negative/ neither positive nor negative, or no effects	12 (5)	2 (1)	8 (6)
Total	100 (40)	100 (40)	100 (80)

p <.01

While the majority of both contact and disengaged fathers identified primarily negative effects, 12 of the 13 not citing solely negative effects were contact fathers. In regard to the types of negative effects identified by fathers, as with effects of child absence (Table 5.7), more disengaged fathers cited depression, a sense of loss and indicators of continued grief as a result of the constraints of the "visiting" relationship.

In sum, significant differences between contact and disengaged fathers were evident in regard to all three elements of non-custodial fathers' grief reaction--child absence, role loss and the constraints of the "visiting" relationship--with the theme of depression and a sense of loss being most prevalent among disengaged fathers. In relation to their perception of the effects of divorce on their children, disengaged fathers reported significantly greater negative effects of divorce and father absence:

²⁰ Respondents were allowed a maximum of three effects, and these were classified according to one of negative, positive, or both/neither.

TABLE 5.10²¹ Paternal Contact by Perceived Effects of Divorce on Children (During Divorce)²²

Effects	Contact % (N)	Disengaged % (N)	Total % (N)
Negative effects	56 (22)	80 (32)	68 (54)
Positive/both positive and negative/neither positive nor negative (or no) effects	36 (14)	12 (5)	24 (19)
Don't know	10 (4)	8 (3)	9 (7)
Total	100 (40)	100 (40)	100 (80)

p < .05

TABLE 5.11 Paternal Contact by Father Absence Effects (After Divorce)

Effects	Contact % (N)	Disengaged % (N)	Total % (N)
Negative	58 (23)	100 (40)	79 (63)
Positive	8 (3)	--	4 (3)
Both positive and negative/ neither positive nor negative (or no) effects	28 (11)	--	14 (11)
Don't know	8 (3)	--	4 (3)
Total	100 (40)	100 (40)	100 (80)

p < .001

The negative effects of father absence after divorce were reported more frequently than the more general negative effects of divorce on children. While all 40 disengaged fathers indicated negative effects of father absence, 23 of 40 contact fathers did so. Whereas 32 disengaged fathers perceived primarily negative effects of divorce on children, 22 contact fathers did so. There were also differences between the two groups in the types of negative effects of father absence identified by fathers ($p < .05$), with more disengaged fathers citing depression and the fact of their children not being with or knowing their father on a daily basis.

²¹ Tables 5.10 and 5.11 listed according to column percentages.

²² In Table 5.10, respondents were allowed a maximum of three effects, and these were classified according to one of negative, positive/both/neither, or don't know. In Table 5.11, these were reclassified according to one of negative, positive, both/neither, or don't know.

Contact and disengaged fathers were also compared in regard to their perception of the constraints of the "visiting" relationship on their children²³ :

TABLE 5.12²⁴ Paternal Contact by "Visiting" Effects on Children

Effects	Contact % (N)	Disengaged % (N)	Total % (N)
Negative	40 (16)	88 (35)	64 (51)
Positive	18 (7)	3 (1)	10 (8)
Both positive and negative/ neither positive nor negative or no effect/"it depends"	40 (16)	10 (4)	25 (20)
Don't know	3 (1)	--	1 (1)
Total	100 (40)	100 (40)	100 (80)

p <.001

Again, disengaged fathers focused on negative effects with much greater frequency than did contact fathers: while 35 of 40 disengaged fathers cited solely negative effects of "visiting" on children, less than half of the contact fathers did so. There were also significant differences between the two groups in the **types** of negative effects of the visiting relationship on children ($p < .01$), with depression, the general pain of the visits, the artificial and strained nature of the visits, and the physical or emotional withdrawal of the child from the father being most frequently mentioned by disengaged fathers.

The differences between contact and disengaged fathers were further reflected in fathers' general assessments of both the problematic and positive aspects of their relationships with their children after divorce. While the majority of all fathers identified some negative aspects of the post-divorce father-child relationship, 7 of the 8 fathers indicating no negative aspects were contact fathers ($p < .05$). In their listing of negative aspects, the most frequently cited by fathers was the fact of no contact, mentioned 29 times--all by disengaged fathers. An even more pronounced difference was seen in terms of the positive aspects of the relationship: whereas all 40 contact fathers identified some positive aspects, 34 (of 40) disengaged fathers indicated that there were no positive aspects at all in the post-divorce father-child relationship ($p < .001$).

²³ Respondents were allowed a maximum of three effects, and these were classified according to one of negative, positive, both/neither/"it depends", or don't know.

²⁴ Table listed according to column percentages.

In sum, the above data on fathers' grief reaction and other internal factors suggest that just as the most "at-risk" group of divorced men are non-custodial fathers of dependent children, so the most vulnerable group of non-custodial fathers appear to be disengaged fathers. For disengaged fathers with previously intense attachments, divorce is more likely to result in a felt loss, and the grief reaction of these fathers is more acute and prolonged.

Contact fathers with previously less intense attachments, in contrast, are more likely to successfully work through initial difficulties and come to a resolution of their grief, and thus make a relatively positive transition to divorce. They are able (eventually) to develop a meaningful relationship with their children within the constraints of "visiting", and thereby report several positive aspects of their post-divorce relationship with their children and, more generally, positive outcomes of the divorce itself.

Two sub-groups of non-custodial fathers. Our analysis thus reveals two distinct sub-groups of non-custodial fathers, with diametrically opposed patterns of pre- and post-divorce contact with their children: previously involved and attached fathers who became disengaged, and relatively "peripheral" fathers who managed to remain in contact. The majority of the disengaged fathers in our sample consistently scored high on a variety of measures of pre-divorce involvement, attachment, and influence, whereas most contact fathers had consistently low scores on the same indices.

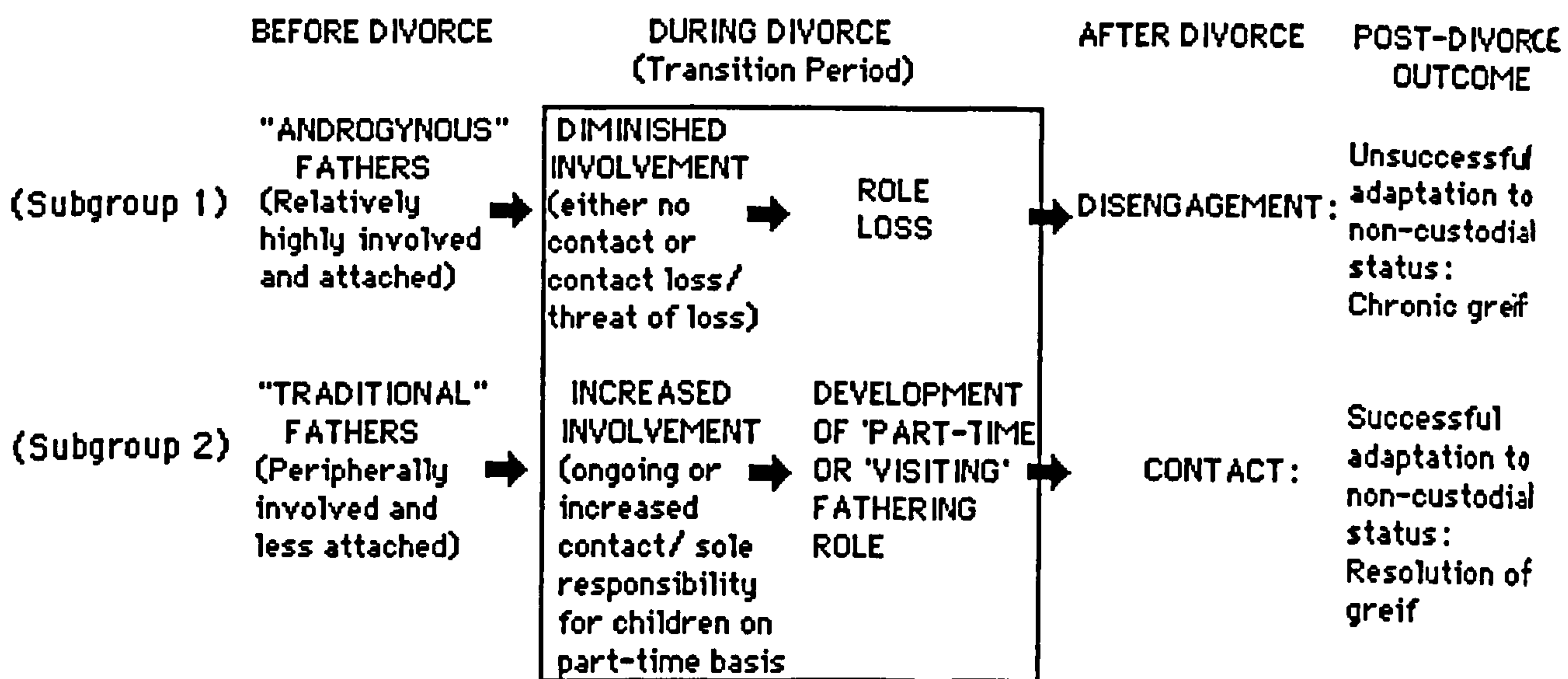
The striking discontinuity between pre- and post-divorce father-child relationship patterns observed above suggests a process with two interacting components: the **consequences** of divorce and fathers' **adaptation** to these consequences. Consequences can be positive, neutral, or negative, and individuals' adjustment or adaptation will vary accordingly. For previously involved and attached fathers, the consequences of divorce were profound: the loss of the pre-divorce father-child relationship, a relationship which constituted an integral part of their identity. For those fathers who were previously less directly involved and attached, the consequences of divorce were less pronounced, and adaptation--the development of a "part-time" parental identity within the confines of a "visiting" relationship--was not as problematic an issue.

Fathers who located themselves on the "androgynous" or "non-traditional" end of the continuum of pre-divorce patterns of fatherhood, faced with a dramatic loss of contact with their children within the context of limited access arrangements, were more likely to acutely experience the effects of child absence, role loss, and the constraints of the "visiting" relationship. These fathers' adaptation to "non-

custodial" status was largely unsuccessful, and post-divorce outcome was particularly problematic in terms of chronic grief.

Fathers who defined themselves as peripherally involved with their children before divorce were likely to experience child absence, role loss, and the constraints of a "visiting" relationship less acutely--and in fact may not have been faced with a significant loss of contact with their children during divorce. These previously "traditional" or "breadwinner" fathers often eventually came to enjoy an enhanced level of contact; improved relationships were possible within the constraints of "visiting" for these fathers, as assuming sole responsibility for their children on a limited access basis provided an opportunity to establish more meaningful relationships with their children. Those previously on the "traditional" end of the continuum were thus more likely to remain in contact with their children after divorce and to come to a resolution of their initial grief:

FIGURE 5.1 Discontinuity between Pre- and Post-divorce Father-child Relationships



The key to explaining this finding lies in an understanding of important processes occurring in a relatively brief period of time during divorce. There is a critical period during which the nature of post-divorce father-child relationships are largely determined: the transition period from the time of divorce (separation) to about six months after, a time when access patterns become established and consolidated. This is the time too when legal processes have their greatest impact,

and when multiple adjustments are required on the part of all members of the divorcing family.

During divorce, the previously less involved and attached father, faced with perhaps weekend or fortnightly contact in a "visiting" relationship, may find that with sole responsibility for his children during this time, his fatherhood role can become enhanced. The previously highly involved and attached father, however, faced with diminished contact and what he perceives to be rigid access arrangements, faces a dramatic disentanglement from the routines of daily life with his children--a drastic reduction of contact and role loss which, over a period of time, is a factor in his complete disengagement from the lives of his children.

3. Characteristics of Contact Fathers

Before examining the particular characteristics of disengaged fathers and the dynamics underlying the phenomenon of disengagement (Chapter 6), a consideration of the characteristics of the 40 non-custodial fathers remaining in contact with their children after divorce may be helpful in understanding how some non-custodial fathers are able to make a positive transition to divorce.

As noted earlier, Wallerstein and Kelly (1980) found no correlation between pre- and post-divorce father-child relationship patterns; according to their formulation, contact fathers should be a mixed group in the history of their relationships with their children during the marriage. Our findings, in contrast, while noting some heterogeneity among contact fathers, revealed that the majority of these men identified themselves as having been relatively minimally involved, attached to, and influential in their children's lives before divorce--and who often reported improved relationships with their children after divorce. The majority of the contact fathers in our sample clearly fell into this category, scoring below mean levels on a variety of indicators of involvement with, attachment to, and influence on their children before the divorce; more likely to report "traditional" attitudes vis-a-vis gender roles in the family; more likely to report positive experiences with solicitors and the legal system, and satisfaction with legal outcomes; more likely to have positive post-divorce relationships with their former wives; scoring above mean levels on indices of influence in their children's lives after divorce; reporting fewer negative effects of child absence and the "visiting" relationship after divorce; and generally reporting more positive and fewer negative repercussions of the divorce on themselves, their children, and the father-child relationship.

Positive outcomes of divorce. All 40 contact fathers clearly indicated at least one positive outcome of the divorce vis-a-vis the father-child relationship. Twenty-one contact fathers reported that a closer bond had emerged between their children and themselves after the divorce, while an additional 7 indicated a continuing positive relationship. Twelve contact fathers stated that they were "still a father" with a continuing influence in their children's lives. Seven described the luxury of having their children to themselves during access periods, with no "interference" from their spouse; and 5 indicated that an exposure to two families had important benefits for their children in terms of increased support and stimulation. Other positive aspects mentioned were the fact of father and child having a larger quantity of time together than before the divorce, having time of a better quality, the father becoming more sensitive to his children's feelings and needs, the father increasingly valuing the relationship, and the children becoming more independent and self-sufficient.

For many previously "traditional" fathers, divorce represented an opportunity for increased "nurturing" experiences and, concurrently, for greater intuitive appreciation of children's growth and development. Mothers no longer functioned as interpreters of children's needs, and fathers could become closer and more knowledgeable about their children. Further, when marital tensions were chronic, fathers often reported disturbed relationships developing with their children; in the absence of marital conflicts, much more intimate and warm father-child relationships were possible. With the increase in their direct involvement with and attachment to their children after divorce, many of these fathers reported an improvement in their abilities as parents--with a corresponding change in their conceptions of masculinity and the "father" role:

"My marriage was a traditional one in relation to roles. That's changed for me since the separation, and I'm coping. But in the marriage I was the provider and she was looking after the house and the children - it was very clear-cut" (Ontario "contact" father)

"Necessity has made me take on the mother's role while the children are with me - I cook them meals, I bath them, I wash their clothes, I read them bedtime stories" (Scottish "contact" father)

Contact fathers were able to adapt flexibly to the constraints of limited access, and to work through the complex logistics and specific demands of "visiting" their children. As most contact fathers' pre-divorce role vis-a-vis their children was limited, the effects of child absence and the constraints of the "visiting" relationship were relatively less problematic. As Wallerstein and Kelly also found,

many fathers indicated that in fact the very limits and constraints of this type of limited contact served to enhance the father-child relationship, insofar as it was easier for them to function as parents within a circumscribed period. These fathers found the limits of the "visiting" relationship to be more congenial than the daily exposure to (but minimal direct involvement with) their children during the marriage--these limits helped them to get to know their children better, express affection, and concentrate on their parenting in ways not possible within the marriage. Fathers were less anxious about becoming overwhelmed by the constant demands of their children, as defined access clearly demarcated and limited the interaction. For many contact fathers, the new non-custodial arrangement was much more satisfactory than the "custodial" role within the marriage:

"If my experience is any indication, they become more involved in the day-to-day caring of the child, because when they're with them, they're doing everything, and there's no division of labour, so to speak, because that kind of division of labour in a marriage tends to carry through day in and day out. And probably fathers put the time that they have with their kids higher on the agenda, because that's all there is, they don't see them everyday; they don't take them for granted as much". (Ontario "contact" father)

"I think this is a better arrangement than if I were to have custody, because (one) I'm not the best of cooks; and (two) there's the clothes to buy, which I'm not good at; and (three) I wouldn't be here all the time, as my wife is, because of my job". (Ontario "contact" father)

The repercussions of divorce, father absence, and the "visiting" relationship on children were generally regarded by contact fathers as minimal in their negative impact and as often containing positive aspects. These fathers recognised their post-divorce role as circumscribed and their contribution to their children's lives as limited compared to that of the custodial mother. But they did regard their presence as needed and used as an additional and separate resource which could add another dimension to their children's lives:

"I think it's good that the children see both parents, so that their relationship with each one is not disrupted, and that they can see that the relationship between their parents is good and amicable, if that is the case. I don't think there are necessarily any negative effects, given that the situation is stable and that there's a loving relationship with each parent". (Scottish "contact" father)

"I suppose that depends on the relationship between the mother and the father. The children can see the father as solely a visitor, as a guest, a friend, or they can still see him as a father with responsibilities, with some authority - it all depends on the relationship between the mother and the father. If the mother and the father support each other, then I think much of the parenting can remain intact". (Ontario "contact" father)

"I'm not aware of any adverse effects (of father absence). Beneficial effects - I think they actually enjoy spending time in another house with other people; they actually get to meet more people. I think it's actually good for children to see that it's possible that children can be cared for by adults in other ways, as opposed to just in the nuclear family arrangement". (Scottish "contact" father)

As we have seen, regardless of the intensity of the pre-divorce father-child relationship, the majority of all non-custodial fathers (contact as well as disengaged) experienced a sense of loss in relation to their children in the period during divorce, eventuating a process of grieving. For contact fathers who had been relatively minimally involved with and attached to their children within the marriage, divorce precipitated a grief reaction based on the recognition that a relationship which they had not overtly nourished and perhaps insufficiently valued, could be lost from their lives. It is this aspect of the grief of contact fathers--the sudden discovery of affection for a child whose presence they had taken for granted during the marriage--which mobilised feelings of attachment and responsibility for their children which then became the basis for a new post-divorce relationship within the limits of specified access. The "visiting" relationship offered these fathers an opportunity to assume a specified level of responsibility for their children, a level often exceeding that before the divorce:

"The very fact that we spend time together, now even more than before, and that we haven't become alienated from each other in any way. The children feel that this is as much their home as the home they live in with their mother. I've now become much more aware of the need for emotional stability in the children, and I enquire about their feelings, if anything's bothering them, etcetera. I'm more in tune with their feelings and closer to them emotionally". (Scottish "contact" father)

"I've become more interested in them as people, and more interested in their well-being, their welfare, how they're getting on. I'm trying to get away from being a stereotypical father, which I used to be, and couldn't be now anyway". (Scottish "contact" father)

"I suppose for me it's been the total responsibility for their welfare while they're with me. That gave me a great sense of enjoyment - of cooking for them, picking up after them, doing things together, playing games, talking. It gave me the satisfaction of being a true parent, even if it was only on a part-time basis". (Ontario "contact" father)

Within the "visiting" relationship, contact fathers were able to overcome their initial feelings of shock, anger, and depression during divorce and "work through" their grief to the point where they acquired significant gratification out of this new relationship. Hence the positive aspects of divorce on the father-child relationship were clearly and strongly emphasised by contact fathers:

"The separation has caused me to do some reading and discussion on the whole question of family relationships and particularly the sensitivities that children have in a divorced situation. Knowing that information, I believe that I am a better father than I was - the breakdown was the catalyst that led me to do all the reading and the investigation, and on the basis of the better information, I hope and I feel that I am performing my father's functions better than I ever did before. I'm attuned to their psychological needs and to their changing needs as they grow older". (Ontario "contact" father)

"I think it's good for children to see their fathers in a caring role, rather than a typical family where although the father might help, most of the responsibility for home and children would fall on the mother. I think it's good for children to see that it can be a shared role. Obviously that happens in some marriages, but in a family where the parents are living apart but still both playing an active and positive role in looking after the children, that sharing of the role is more visible. I think the separation has enhanced my relationship with the children and moved me away from a traditional father role, to one where I share the role of raising the children. I think there's also a change from the children's point of view in that they're more aware of that change in my role, so that they can appreciate better the fact that the father can take on that role as well as the mother". (Scottish "contact" father)

In sum, for contact fathers who were on the periphery of their children's lives during the marriage, divorce represents an opportunity to transcend traditional patterns and enhance their relationship with their children within the confines of "visiting". Many non-custodial fathers thus develop, paradoxically, stronger ties to their children than they had before the divorce, being more likely to spend time alone with their children in more intense and meaningful ways.

4. Characteristics of Disengaged Fathers

The majority of disengaged fathers in our sample clearly described themselves as highly involved with and attached to their children before the divorce, and as experiencing a sudden break in their relationship with their children during divorce, scoring above mean levels on a variety of indicators of involvement with, attachment to, and influence on their children before the divorce; more likely to report "non-traditional" attitudes vis-a-vis gender roles in the family; reporting negative experiences with solicitors and the legal system, and dissatisfaction with legal outcomes; reporting strained (or non-existent) post-divorce relationships with their former wives; scoring below mean levels on indices of influence in their children's lives after divorce; and generally reporting more negative repercussions of the divorce on themselves, their children, and the father-child relationship.

Negative outcomes of divorce. For the majority of non-custodial fathers, the negative consequences of divorce clearly predominate over positive outcomes. Those non-custodial fathers who become disengaged from their children, representing over half of the non-custodial father population, very rarely report any positive aspects of divorce; particularly in cases where fathers enjoyed a relatively high level of involvement with, attachment to, and influence on their children during the marriage, their experience of divorce and their post-divorce relationship with their children was described in overwhelmingly negative terms. The grief reaction of disengaged fathers who had previously assumed an active role in their children's lives was particularly acute; for these fathers, divorce and the loss of "custodial" status represented a complete loss of the former relationship.

Thirty-nine of forty disengaged fathers indicated at least one negative outcome of the divorce vis-a-vis the father-child relationship; the majority listed a number of negative aspects. The fact of child absence was reported by most as the major negative outcome of divorce, and the loss of paternal influence and the "father" role, in addition to the various constraints of the "visiting" relationship, were mentioned by the majority of disengaged fathers.

In sum, disengaged fathers' adaptation to the consequences of divorce was highly problematic. The interaction between consequences and adaptation is the focus of our more detailed examination of the phenomenon of disengagement in Chapter 6.

CHAPTER 6

Psychological and Structural Factors Contributing to Disengagement

In attempting to go beyond existing analyses of "divorce adjustment" which tend to individualise divorce effects, this chapter develops the argument that non-custodial fathers' disengagement from their children's lives after divorce results from a combination of structural constraints and fathers' own psychological response to the threatened or actual loss of their children and the pre-divorce father-child relationship. The two theoretical perspectives guiding our formulations include attachment theory as it relates to situations of loss and bereavement, which frames our analysis of non-custodial fathers' psychological adaptation to divorce and psychological factors contributing to their disengagement from their children, and theories of gender and social inequality in our consideration of sociological variables: the structural consequences of divorce for non-custodial fathers and structural factors contributing to disengagement. Beginning with an examination of fathers' own stated reasons for their loss of contact with their children, we proceed with an analysis of the salient structural and psychological factors contributing to disengagement: while divorce represents a loss which deprives fathers of an attachment figure and a role or identity, it also represents a situation where fathers are judicially, culturally, and legislatively disadvantaged on the basis of gender.

1. Aetiology of disengagement

Fathers' perceptions. Most disengaged fathers presented a complex amalgam of reasons for their loss of contact with their children after divorce, rather than one clear cause; when asked for their reasons for disengagement, 15 fathers cited one, 15 gave two and 10 indicated three distinct reasons why they were no longer in contact with their children:

TABLE 6.1 Reasons for Disengagement

Reason ¹	Percentage that mentioned
Obstruction by ex-wife	90 (36)
Father's decision to cease contact	33 (13)
Practical difficulties (distance, finances, work schedule)	28 (11)
Child(ren) not wanting contact	18 (7)
Legal injunction	16 (6)
Early pattern of no contact (prohibiting future contact)	5 (2)

Most frequently mentioned (by 36 of the 40 disengaged fathers) was obstruction of paternal access by the former spouse (and in some instances her family), and her desire to break contact between father and children. Many of the contact fathers in our sample, in contrast, stressed the importance of the support and encouragement of their ex-wives in their maintenance of contact and development of a new parental role. Those fathers who received little or no confirmation of their roles as "fathers" by their former spouses thus appear most likely to become disengaged from their children's lives:

"That's the way my wife wants it - she doesn't want me around. And it's very difficult for me because I always feel guilty and wonder 'Did I try hard enough to get access?' I know I've tried every angle, and there's nothing I can really do now, other than what I've done. And the legal system has allowed, has encouraged, my wife to cut off contact between me and my son. They say I'm a swine if I don't pay support, but they say nothing about my not being allowed to see my son". (Ontario "disengaged" father)

"My wife's refusal to share the caring of our son, her perception of him as 'her' son and of herself as the only legitimate parent ... My wife actively breaking off my contact with my son, and her parents' influence in her breaking all ties with me ... My own inability to see my son on only a sporadic basis, which is nothing like my previous relationship with him or what I think to be fatherhood. Tied in with all of this is a tremendous sense of loss, of sadness, of total humiliation and discouragement". (Scottish "disengaged" father)

Linked to ex-wives' opposition to paternal contact and fathers' feelings of no longer being influential and valued as fathers, were fathers' own decisions to cease contact with their children. The 13 fathers citing this reason spoke of their overwhelming sense of loss and depression, the pain of seeing their children only intermittently, and the fact that an avuncular "visiting" relationship in no sense

¹ Post-coded categories.

resembled "real fatherhood" and was perhaps harmful for children as well. Fathers' own decisions to cease contact were inextricably linked to their inability to adapt to the constraints of the "visiting" relationship:

"The most difficult thing is not seeing them and not actually being there to see them grow up. If you don't see them for three months or six months or whatever, you've missed six months of their life. You've missed the wee things like, 'Dad, the ice-cream van's here' or 'Dad, I've got homework to do' or this and that. And then you've got to say goodbye to them, and it's very frustrating. And you wonder - I still don't really know what's best - I wonder if maybe it would be better to leave them alone and let them live their life, and it's not knowing what to do, not knowing which is best for them. The feeling you get inside yourself everytime you go away: 'Am I doing the right thing by seeing them, would they be better off if I just didn't see them?'... It's basically just a hurtful relationship. There's a lot of men who really care about their kids, but walk away from them, because there's too much hurt on both sides. But a lot of people don't realise that. I used to be one of them, by the way, who thought really badly about a father who hadn't seen his kids in years. People seemingly label these fathers as uncaring people, but sometimes I wonder if in fact they're more caring, because of the hurt involved, and the separation - and each time you've got your child and your child has to go back - is really hard, is really difficult. And until you go through it, you can't understand it. And I think especially with younger kids, the quicker a parent doesn't see their kids then their kids aren't really realising that their dad's not there. Maybe it's less hurtful because both the child and parent have to say goodbye to each other, and both of you are practically in tears. There's a sort of silence between you - it's like continual hurt. And men that don't actually go and see their kids again, I quite admire, because they're minimising the pain on that child - because otherwise it's continual pain. But the pain never goes away for the father, no matter what he does". (Scottish "disengaged" father)

Eleven fathers mentioned practical difficulties in exercising access, including problems of distance, transportation, finances, work schedule, or lack of adequate accommodation, but only as a secondary factor in their loss of contact. Seven referred to a lack of confirmation of the non-custodial father role by their children, or their children increasingly distancing themselves from their father after divorce; 6 mentioned the bias of the legal system toward sole maternal custody and the existence of a legal injunction prohibiting the type of contact they had desired; and 2 fathers indicated that they had been unable to overcome a pattern of diminished or no contact established in the months immediately following divorce.

As mentioned earlier, uncritical reliance on self-report data can be highly problematic; a shortcoming of the present study is that we had direct access only to fathers' own stated reasons for their disengagement. Corroborative information from other members of the divorced family was not available, and fathers' level of "objectivity" may be called into question as most tended to largely underestimate their own role in their loss of contact with their children. Nevertheless, fathers'

own interpretations of the disengagement process, not previously examined in the divorce literature, are what they face and act upon; for this reason, any analysis of the phenomenon of non-custodial fathers' disengagement must begin with and seriously consider fathers' self-reports as valid for their own sake.

Interdependence of structural and psychological factors. A closer scrutiny of the dynamics underlying the process of disengagement will reveal that two orders of variables determine the level of post-divorce father-child contact: structural and psychological. The disengagement of non-custodial fathers after divorce is a result of a combination of structural constraints and fathers' own psychological response to the perceived loss of their children. On their own, each is usually insufficient to effect disengagement; combined, they are a potent force mitigating against post-divorce paternal contact. Both psychological and structural factors are inculcated as critical mediating variables between divorce and disengagement: while divorce represents a loss which deprives fathers of an object of attachment and a role or identity, it also represents a situation where fathers are judicially, culturally, and legislatively disadvantaged on the basis of gender.

Existing divorce research literature tends to be divided between the demographic and sociological on the one hand and analyses dealing with psychological variables on the other; rarely are their interrelationships examined. Our examination of the phenomenon of disengagement stands at the interface between sociological and psychological explanations; it attempts to cross conceptual boundaries to amalgamate the two perspectives, utilising theories of attachment and loss in a consideration of relevant psychological variables, and theories of gender and social inequality vis-a-vis sociological aspects.

We would argue that non-custodial fathers' disengagement from their children cannot be interpreted as a lack of interest in their children, or the end result of what may have been a tenuous father-child relationship during the marriage. The grief of disengaged fathers is the most pronounced and remains unresolved: chronic grief is most characteristic of this group, as reflected by the serious and prolonged physical and mental health difficulties of these men, a reflection of their more intense attachment to their children before divorce. Psychological factors related to fathers' unresolved grief and inability to adapt to child absence, role loss, and the constraints of the "visiting" relationship, are thus inculcated as significantly contributing to their eventual disengagement.

We would also argue that it cannot be assumed that fathers' post-divorce roles are solely reflections of their choices. The most highly involved and attached fathers during the marriage are the most vulnerable vis-a-vis structural

constraints and the effects of a judicial mode of custody and access determination, often being caught in a completely impossible dilemma: unable to tolerate the idea of the loss of their children, but given little expectation for success and what many consider to be essentially "violent" means to try to prevent the loss (which they believe will seriously harm their children), they gradually disengage from their children's lives. Such fathers, largely unaware of alternatives in regard to both custody and access resolution and post-divorce custody arrangements at the time of divorce, rarely make legal application for custody, although they are the most likely to desire at least partial physical custody of their children. Structural factors, delineating and regulating the boundaries of the post-divorce father-child relationship, are thus also significant determinants of fathers' subsequent loss of contact with their children.

The present study thus attempts to go beyond existing analyses of "divorce adjustment", focusing rather on the structural **consequences** of divorce for non-custodial fathers and individual fathers' psychological **adaptation** to these consequences. The concept of "adjustment" is seen as static and personalised: it is **Individuals** who are expected to manage (or adjust to) the effects of divorce; the social structure is not implicated as in need of fundamental change, although it may be largely responsible for the difficulties experienced by divorced fathers and families.

2. Structural Factors

The present section considers the consequences of divorce vis-a-vis fathers' relationships with their children, or the salient structural factors which determine the nature of post-divorce father-child contact. Although disengaged fathers themselves identified the antagonistic nature of the post-divorce relationship between the former spouses resulting in withheld access as the primary external barrier to their post-divorce contact with their children, legal processes were perceived as strongly contributing to such antagonism. The influence of external factors other than legal processes and subsequent withheld access were reported by disengaged fathers to be relatively minor. No significant relationships were found between paternal contact after divorce and income or occupation of either spouse, remarriage of the father, residential propinquity, and work or career demands, although a minority of fathers identified constraints of employment as discouraging

their pursuit of custody and as secondary reasons for their eventual loss of contact with their children.

Our analysis of structural factors contributing to disengagement will thus proceed from a consideration of the role of the judicial system in the determination of post-divorce family relationships, toward a delineation of the structural and economic conditions that give rise to traditional family structures which, it will be argued, the judicial system serves to maintain.

The legal process. Traditional access arrangements were considered to be entirely inadequate by those disengaged fathers who perceived themselves as highly involved with their children before divorce. At the time of the divorce, the great majority of these fathers wanted at least partial **physical** custody of their children; after divorce, they described the legal custody and access arrangements that had been made as woefully insufficient, realising that at least joint **legal** custody would have been the only way of ensuring the at least partial **physical** custody they had initially desired. The main issue for these fathers was not one of legal custody and access *per se*; rather, they were primarily concerned with maintaining a meaningful post-divorce relationship with their children in the form of regular and frequent physical contact--and saw legal arrangements as only a means to this end.

Among disengaged fathers, there existed a widespread yearning for the children with whom they were no longer in contact. All 40 disengaged fathers indicated a desire for "a lot more" contact with their children:

TABLE 6.2 Paternal Contact by Desired Level of Child Contact after Divorce²

	Contact % (N)	Disengaged % (N)	Total % (N)
A lot more	40 (16)	100 (40)	70 (56)
Some more	28 (11)	--	14 (11)
About right	30 (12)	--	15 (12)
A little less	2 (1)	--	1 (1)
Total	100 (40)	100 (40)	100 (80)

p < .001

Existing divorce literature, while containing little empirical data in regard to fathers' desired level of contact with their children after divorce, often contains

² Pre-coded categories. Table listed according to column percentages.

suggestions that fathers simply do not want custody of their children and explains fathers' disengagement primarily in terms of a lack of interest (Eekelaar and Clive, 1977). We would challenge such assertions; in the present study, the great majority of non-custodial fathers considered traditional legal access arrangements to be insufficient, and wanted at least partial physical custody. This was most evident in the case of disengaged fathers; dissatisfaction with existing legal custody and access arrangements, as well as with actual physical arrangements, was highest among those non-custodial fathers who had previously enjoyed a relatively high level of involvement, attachment, and influence and had subsequently lost all contact with their children.

The discrepancy between fathers' desires in regard to custody and access and the actual post-divorce arrangements made is striking. Seventy-nine per cent of all of the non-custodial and 88% of the disengaged fathers in our sample indicated a desire for at least partial physical custody of their children at the time of the divorce. Clearly, those fathers who legally disputed custody and forced a court decision (15 of 80 fathers) did not constitute all of those who wanted custody of their children; there appeared to be powerful factors mediating between fathers' stated desires at the time of divorce and the final outcome of paternal non-custody, and between these desires and fathers' subsequent inaction vis-a-vis pursuit of custody.

We found that the role of solicitors was crucial in transforming fathers' aspirations regarding what they could achieve through the legal system; solicitors assumed a key role in persuading fathers not to pursue custody, or lessening their aspirations concerning their level of post-divorce contact with their children. In 55% of cases, solicitors actively discouraged fathers from pursuing custody; only 12% agreed with or encouraged it. Fathers were often told that a "reasonable" amount of post-divorce contact was the "customary" pattern of fortnightly access. In a field that relies heavily on precedent for its decisions, it has been convenient and comfortable to recommend what has gone before; the precedents of maternal custody and twice-monthly paternal access have become, in the eyes of solicitors and the judiciary, not only customary, but somehow developmentally and morally correct (Wallerstein and Kelly, 1980; Felner and Terre et al, 1985). Fathers wanting custody of or open access to their children are viewed with suspicion; mothers who wish to accommodate such fathers are advised not to "give up" too much (ibid). For non-custodial fathers, the pattern of "visiting" their children on a weekly or fortnightly basis--at best, 2 days out of every 14--has thus continued, despite fathers' strong dissatisfaction with the limited nature of such contact, children's

yearning for increased contact with their fathers, and mothers often feeling overwhelmed by the sole responsibility for their children after divorce.

Solicitors play a central role in providing their clients with a basic knowledge of the law and legal processes, helping them to decide what to ask for, and shaping expectations of what they will get. If solicitors' advice regarding post-divorce contact is discouraging, it is likely that fathers will lower their expectations; if the expectation that the best fathers can hope for is limited access, these expectations shape what fathers strive for--and settle for. Given that most custody and access arrangements only reach the court as a *fait accompli*, the way in which solicitors advise their clients is an important determinant of the final structural arrangements made. What solicitors advise is influenced by what they think the court will accept ("bargaining in the shadow of the law"). The majority of fathers, faced with explicit advice and strong direction from their solicitors toward maternal custody with limited parental access, and convinced on the basis of judicial precedent that they have a limited chance of success through the courts, eventually accept the predominant pattern of weekly or fortnightly "visiting":

"I got the impression that there would be no problem getting access, getting Andrew to stay with me on weekends and so on - but it didn't work out that way. He also told me that I should forget about custody, and to just concentrate on access, which I now realise was wrong". (Ontario "disengaged" father).

The lawyer advised me to give the mother interim custody and not to worry about it or fight it. I didn't know at that time that in fact, when you're talking about custody, nothing is 'interim' - anything that is 'interim' means that it is forever. I didn't know that at that time". (Ontario "disengaged" father)

By pre-adjudicating custody disputes on the basis of anticipations of what would happen were the dispute to be carried to court, solicitors perpetuate the (perceived) maternal custody bias of the judiciary: inaction because of an assumption of prejudice becomes a self-fulfilling prophecy, and reinforces the *status quo*. The feeling that fathers are at a severe disadvantage in relation to custody of their children in the courts is widespread:

"...They don't give men the benefit of the possibility that they may be good parents. They look at you as if you're doing something wrong, as if you're the guilty party. Lawyers and judges are the mainstay of the problems that men and children have, when it comes to men and children not having the right to maintain their relationship. And they support women if they decide to break the relationship - they promote women's anger and bitterness, and promote destruction of the father-child relationship. Before the separation, I had faith in the legal system. I've been through it and now find myself with no confidence in the system whatsoever. I believe in the truth, and I couldn't

believe how full of lies the whole legal system is". (Ontario "disengaged" father)

If a father does not accept his solicitor's advice and seeks to challenge traditional custody and access arrangements, as was the case with a number of fathers in the present study, his solicitor may, according to fathers' reports, flatly refuse to proceed with the application and to further represent his client or, if he "agrees" to contest custody, the father's case may not be presented strongly. The difficulty of obtaining legal aid for an action which is unlikely to succeed is endemic for divorcing fathers, while private litigants may be deterred by prohibitive legal costs (Parkinson, 1987). When custody is contested, as was the case with 15 men in our study, fathers and their solicitors are faced with a judiciary that in effect acts according to a maternal presumption, despite the gender-neutral standard of "the best interests of the child" (see Chapter 4). The main issue in contested cases, under the rubric of "the best interests of the child", is usually the tolerable fitness of the mother, above all other factors. The outcome of contested cases, regardless of whom children are living with at the time of the hearing or of pre-divorce parenting patterns is, in the great majority of cases, a maternal custody determination. These contested cases define legal norms; they form the basis of a body of law upon which all divorced fathers are advised.

Custody determinations made by the courts, influencing the type of advice offered to fathers by solicitors, appear to be largely based on the assumption of fathers' secondary importance to their children except in an economic sense; the nature of the pre-divorce bond between a father and his children does not appear to be a significant factor in most legal outcomes. Solicitors' directions rarely differ for divorced fathers; sole maternal custody with limited paternal access was almost universally recommended for the fathers in our sample. There exists, however, a heterogeneity of fathering roles within families. Thus while there were no differences between highly and peripherally involved and attached fathers in the actual advice they received from their solicitors regarding custody and access, the outcome for each group was radically different in terms of satisfaction with the custody and access arrangements that were made and the level of their post-divorce contact with their children. As mentioned, it may be the very fact of uniformity of approach among solicitors and the unvarying nature of judicial resolution of custody and access vis-a-vis fathers with vastly different patterns and experiences of fatherhood that is largely responsible for the poor outcome of those fathers relatively highly involved with and attached to their children during the marriage. Fathers enter the legal process with very different pre-divorce father-child

relationship patterns; such heterogeneity warrants against a homogeneous approach, yet the legal process is bound by precedent, structured according to largely fixed rules in the determination of custody and access.

As discussed in Chapter 5, fathers' overall assessment of their solicitors vis-a-vis helping or hindering their subsequent relationships with their children, and of the judicial system in regard to its appropriateness as a forum for determining child custody and access arrangements, differed between contact and disengaged fathers. Disengaged fathers in particular held the legal system responsible for the continuation of traditional custody and access arrangements. They further felt that the system of individual representation characteristic of the traditional adversarial approach of the legal system served to polarise the divorcing spouses. They attributed the provocative behaviour of solicitors and the adversarial nature of the legal system as often creating overt conflict where little such antagonism had previously existed. Many fathers commented that a "shared parenting" arrangement after divorce--the preferred arrangement of most disengaged fathers--may well have been possible without the negative influence of solicitors in this regard. Direct communication between spouses was usually prohibited by the solicitors of either or both parties, and a more hostile tone introduced via letters and affidavits drafted by solicitors but ostensibly representing their clients' sentiments, which constituted a new medium of communication between the "pursuer" or "plaintiff" and "defendant".

From the research evidence available, it is clear that most solicitors do approach divorce in a traditional adversarial manner (Eekelaar, 1984:56) and consider that in being partisan and assuming a "fighting" posture they are merely protecting their client's interests (Murch, 1980:23); the assumption that because two individuals are divorcing they are necessarily in conflict is prevalent (ibid). However, a sizeable proportion of fathers in the present study reported minimal overt conflict between the spouses at the time of the divorce (separation), before legal consultation, and a third of the fathers expressing a desire for at least partial physical custody of their children reported no overt disagreement between the spouses in that regard at that time. These fathers believed that the possibility of a shared custody arrangement clearly existed at the point of divorce (separation):

"... we originally had a joint custody agreement, and it was the legal system that tore this apart, it destroyed it. We had agreed beforehand and then this happened - the legal system intervened". (Ontario "disengaged" father)

Many disengaged fathers described feeling intimidated by the adversarial approach of the legal system, and were cognisant of the dangers of this type of approach in regard to their children's well-being, another significant factor in their

decision not to legally contest the issue of custody. Fathers generally conceived of a custody "battle" in terms of a format of attack - defence in order to impress the judge, with detailed accounts of neglect, abuse, and cruelty presented by both sides in their attempt to "win" their children. Many saw contested custody as more likely to hurt their children (and former spouses) than facilitate the development of a meaningful post-divorce relationship with their children; indeed, their overriding concern was that their children would be used as "pawns" and "weapons" in the "battle", which would likely continue well after the custody hearing:

"The way the lawyers fight - tit for tat all the time. It's made into a battle; it's bargaining for a human life. It's made worse since the law leans toward the mother in the case of custody. The mother says 'The law is on my side', and I as the father am forced to fight, which I don't want to do ..." (Scottish "disengaged" father)

Many disengaged fathers considered contested custody--and the use of legal process generally--as a "violent" means which did not justify the "good" end. Such fathers described being attached to their children in strong and intimate ways and were primarily concerned with the potential harmful effects of the adversarial process on their children. For these fathers, however, withdrawal from the adversarial process further jeopardised their ongoing contact with their children, as the level of hostility between the spouses had become such that negotiation had effectively become an impossibility.

Feelings of powerlessness and victimisation were prevalent among disengaged fathers who, throughout the time of legal negotiation, attempted to maintain their pre-existing bond with their children by not using what they perceived to be "violent" means to "win" custody. Their solicitors (or ex-wives' solicitors) nevertheless adopted adversarial means in the legal negotiations that took place. Engaged in an adversarial process, but not wanting to utilise such means to "win" custody, those fathers expressing a strong desire for a shared physical custody arrangement after divorce were viewed with suspicion and their desires and motives were questioned; they were assumed to not genuinely want the burden of full or shared custody but to have ulterior motives in positing such a "threat" or "bluff". In reality, their previous involvement with and attachment to their children made them unable to wage a public "fight", which they perceived would harm their children. Their refusal to adopt such means, however, contributed to their loss of contact with their children.

Disengaged fathers often saw their solicitors (and the legal "divorce industry") as having a vested interest in profiting financially from ongoing conflict,

and hence less likely to be alert to the possibilities of reconciliation or reaching an amicable settlement by means of conciliation. Fathers described solicitors' tactical manoeuvres toward exasperating and perpetuating conflict between the former spouses as manipulative and designed to extract financial profit from the breakdown of their clients' family relationships. These fathers came to resent their escalating dependence on their solicitors and the legal system. However, they felt "locked into" the legal process insofar as they had lost trust in their ex-wives, feeling vulnerable in terms of their future relationship with their children and needing the special protection of a solicitor; this loss of trust between the spouses and feelings of vulnerability were seen by fathers to have been deliberately engineered by their solicitors and a legal framework actively promoting such a dependency. In this context, fathers spoke of the slowness and constant delays of the legal machinery and of high legal costs as largely unnecessary.

Finally, disengaged fathers stressed that the use of legal tactics appropriate to the "combat" of litigation, when applied insensitively to issues arising from emotional difficulties in family relationships, could be highly damaging. The judicial system was thus considered by all disengaged fathers to be an inappropriate forum for resolving issues of child custody and access.

Withheld access. Disengaged fathers consider at least partial physical custody of or open access to their children as the only means to maintain a meaningful father-child relationship after divorce; rigid and limited defined access arrangements, such as that of weekly or fortnightly "visiting", are viewed as insufficient by those previously highly involved with and attached to their children. Legal processes, determining such boundaries of post-divorce paternal contact, are thus inculcated as critical mediating factors between divorce and disengagement.

A second factor, identified by fathers themselves as primarily responsible for their loss of contact with their children, was that of obstructed access by the former spouse; all 40 disengaged fathers (as compared with 14 contact fathers) reported that a high level of "interference" with paternal contact by the custodial mother had occurred at some point after divorce, in most cases after the ratification of conditions of legal access. A large number (25) of these fathers stated that their ex-wives had withheld access entirely; in other cases, mothers were described as using a variety of other means of discouraging ongoing father-child contact:

"I'd call up and her mother would lie and say, 'Debbie's in bed; she's sick. No, you can't see your son'. I'd phone ahead and ask about seeing my son; she said 'I'll call you when I'm ready to let you see him'. She never did. She'd say at other times, 'You'll never see him again. Over my dead body will you see

him'. She's threatened to call the police if I did come around". (Ontario "disengaged" father)

"Through derogatory remarks about me to the children, denying my children's visiting privileges on the appointed days when I turned up for them; she has an unlisted phone number which I have no access to; she has taken out a restraining order preventing any communication between us; and her totally denying the fact that I am also a parent to the children." (Ontario "disengaged" father)

"First of all, I didn't know where they were living - I had no address, no phone number. Any mail sent to my daughter she never received. My daughter was never told that I was consistently trying to see her. She gave my daughter specific, selected court documents to read, in order to prejudice my daughter against me. In every aspect, she has tried to turn my daughter against me". (Ontario "disengaged" father)

Feelings of powerlessness in relation to obstruction of access were prevalent, particularly in cases of withheld access. Where legal access arrangements had been made, either fathers did not re-apply to the court for access enforcement (believing that such a course would be ultimately unsuccessful in guaranteeing access), or when they did re-apply and obtained a renewed access order, fathers claimed that no effective legal sanctions for continued withheld access were applied. The legal system, after specifying conditions of access, appears in fact to be largely ineffective in monitoring or intervening in any subsequent difficulties which may arise for fathers. When disputes over access are brought back to court, it is common for the court to **reduce** the frequency or duration of access (Richards, 1982b), discouraging fathers from re-applying to the court in such cases. Fathers believed that whether or not access arrangements are legally ratified, if a mother is reluctant to allow it, access usually fails. Fathers perceived mothers' refusal of access to be punitive in nature, although mothers were described as justifying their action in terms of their children's "best interests".

Non-custodial fathers' disengagement was strongly associated with fathers receiving little or no confirmation of their "father" role by the custodial mother, and no longer feeling influential or valued as parents. Further, when contacts with the former spouse were aversive, fathers became discouraged in their attempts to maintain a relationship with their children, with a resulting attenuation of ties.

Clearly, the less supportive that a custodial mother is toward paternal access, the greater the likelihood of access difficulties and eventual disengagement of the father. The source of maternal hostility to post-divorce father-child contact thus becomes an important question. We would argue that inter-spousal hostility after divorce is not necessarily primarily influenced by pre-divorce patterns; while mistrust and anger are almost universally present in varying degrees upon

divorce, intensified conflict during and after divorce may be directly related to intervening legal processes. As we have seen, fathers frequently held their solicitors and the legal system responsible for exacerbating or creating conflict between the spouses. Many fathers initially made attempts to discuss terms of custody and access directly with their wives, but were restrained by their solicitors (as were their wives) from communicating directly, and instructed to negotiate via the solicitors. Negotiations involving solicitors acting as intermediaries typically lasted at least several months, many several years, during which an atmosphere of competition, fear and mistrust prevailed over what was in some cases a spirit of co-operation (despite disagreements) at the time of divorce in regard to post-divorce arrangements for the children. The adversarial nature of legal processes, whether restricted to negotiations between the solicitors or involving court action, makes it highly unlikely that a spirit of friendship and co-operation will survive the divorce. Severe conflict is the end-result of a negotiating environment which effectively forces each party to assume an extreme position.

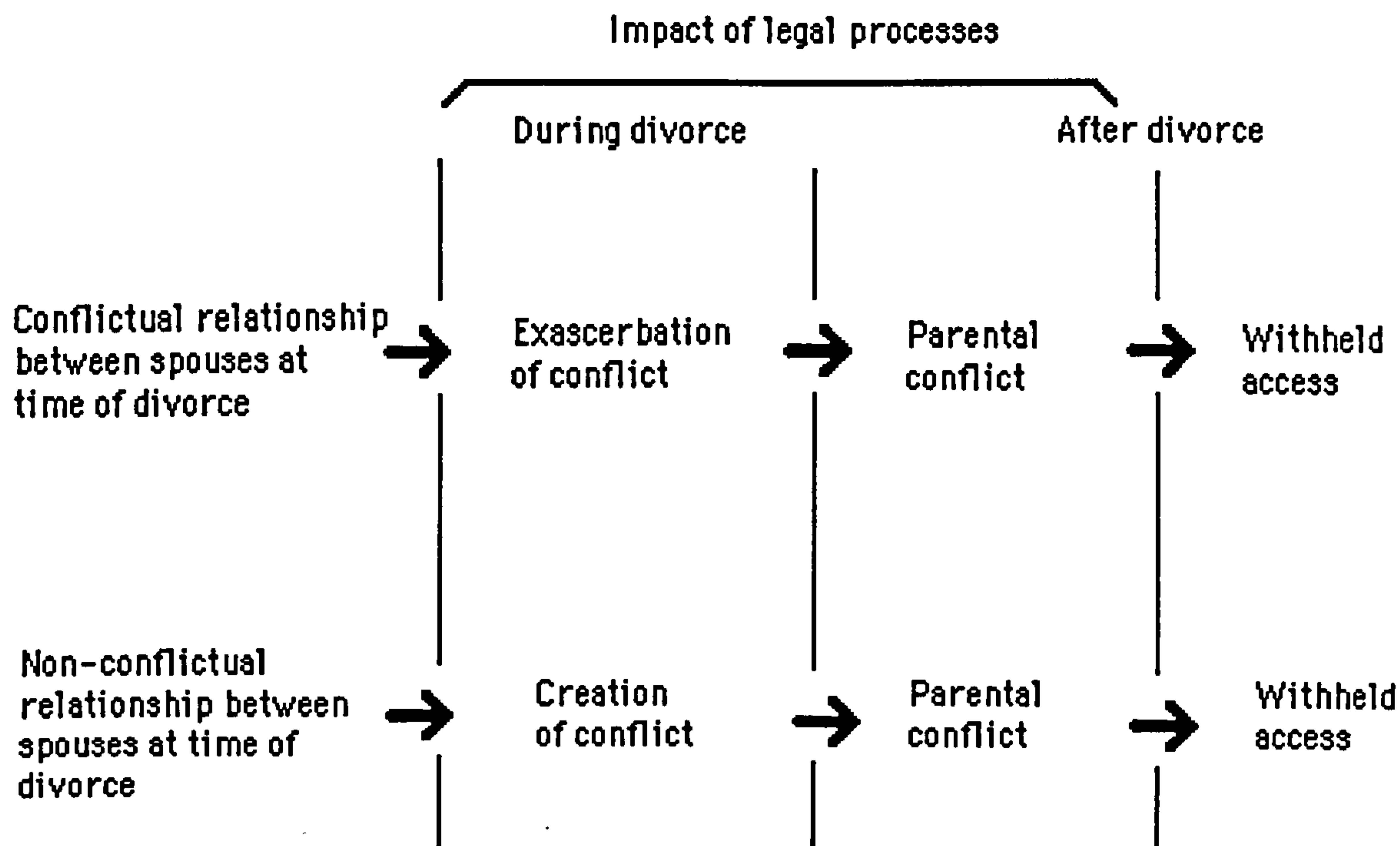
To test the accuracy of fathers' belief that the adversarial nature of legal processes was responsible for exacerbating or creating post-divorce spousal conflict, the level of conflict between the spouses at the time of divorce (i.e. separation--before any major legal involvement) was compared with the **post-divorce** level of friendliness between the former spouses (after legal processes had made their major impact). We found no correlation between the level of inter-spousal conflict at the time of the divorce and the nature of ex-spouses' post-divorce contact; that is, the likelihood of friendly and unfriendly (or non-existent) post-divorce contact did not depend on the level of conflict between spouses at the time of divorce--suggesting the presence of mediating factors operating in the period during divorce which influence the nature of the subsequent relationship.

There was also no association between the level of conflict between the spouses at the time of divorce (separation) and subsequent father-child contact: conflict between the spouses **upon divorce** did not necessarily lead to paternal disengagement. The relationship between paternal contact and the level of conflict between the parents **after divorce**, however, was highly significant ($p < .001$): post- but not pre-divorce parental conflict was associated with non-custodial fathers' disengagement from their children. This further suggests that mediating factors are at work during divorce to produce a level of parental conflict strong enough to result in access difficulties for non-custodial fathers, followed by eventual loss of contact.

Significantly, most disengaged fathers described their ex-wives as having believed in fathers' ability to be effective parents, as having confidence in and generally agreeing with fathers' child rearing practices during the marriage. Disagreements over child-related matters within the marriage were reported as relatively rare (see Table 3.8). The fact that the great majority of divorces involve two capable and loving parents could be used as the basis for developing positive co-parental relationships after divorce; in contrast, within the legal process, former spouses are oriented toward devaluing the relative contribution of the other, and custodial parents toward acting as if non-custodial parent contact is not important for the children. Distorted perceptions of the former spouse appear in fact to be a frequent result of a legal mode of custody and access resolution. Up to the time of legal negotiations, each parent has viewed the other as necessary to the children's lives; the adversarial stance adopted during legal negotiations contributes to a dramatic shift in this perception.

In sum, legal processes, including both negotiations between solicitors and any subsequent judicial actions, generally influence parents' feelings, attitudes, and behaviours toward each other in a negative direction (whether or not overt conflict existed between the spouses at the point of divorce), which in turn affect the quality and quantity of post-divorce father-child contact:

FIGURE 6.1 Impact of Legal Processes on Withheld Access



Theories of Gender and Social Inequality. Fathers, like mothers and other agents, are highly variable in the enactment of their roles; as discussed earlier, there exists a heterogeneity of fathering roles, with many men defining themselves in a "traditional" manner, only peripherally involved in their children's lives, others assuming a partial role in child rearing and child development, while still others take on the full complement of child care responsibilities. Although some investigators have described an "emergent trend" of fatherhood, it seems that making broad generalisations about fathers through an analysis of fathering which merely assumes significant increases in the involvement of men in the home lacks credibility; rather, what is needed is a recognition of the complexity of mediating factors and processes which structure the social institution of "fatherhood" and account for existing variations (Lewis and O'Brien, 1987b). The father role, both within the two-parent family and after divorce, is enacted within various structural and institutional constraints; fathers' experience of "fathering" is set within the context of the institution of fatherhood, and the more general structure of gender-based divisions (ibid). What is required in our analysis, then, is a delineation of the structural, economic and cultural conditions that give rise to gendered divisions of

labour and, more specifically, to certain types of legal custody and access determinations.

Major structural changes within the family have occurred in recent decades, including declining fertility, rising divorce rates and the emergence of new family structures. Perhaps most significant, however, has been the rapid influx of married women into the paid labour force; this in particular has focused attention on the interrelationship of work and the family. The relationship is now regarded as highly reciprocal: work influences family life as family life influences work. Thus, patterns of paternal involvement in the family cannot be examined without reference to the parallel increase in paid maternal employment.

Recent social science literature has exposed the "myth of separate worlds" in the context of employment and the family; men and women are located in both worlds and their experience of each can be highly interdependent (*ibid*). Traditionally, however, researchers have tended to study either men in employment or women in relation to the family. Feldberg and Glenn (1979) speak of the "work model" for men and the "gender model" for women: men are studied in relation to the "public" sphere of work and politics, with attention focused on variations in their occupational experiences and the manner in which work influences other aspects of their lives; women are examined in relation to the "private" sphere of the family, where family characteristics assume the status of independent variables and ramifications for occupational attainment and role conflict are scrutinised. The assumptions underlying such analyses are consistent with traditional sex-role norms: the negative consequences of male unemployment for men's families are studied on the one hand, while the deleterious implications of female employment for women's families are examined on the other. These assumptions have led researchers to ignore data about men and the family as they have traditionally neglected women in the realm of work. Now that a majority of married women are in paid employment, however, there is considerable justification for a balanced approach: the same conceptual framework should be applied for both men and women in examining links between work and the family. Theories and models that presume that all men are work-centred (the "male-work" model) contribute to the idea that men somehow ought to be that way (Mortimer and Sorensen, 1984).

Despite increasing rates of maternal employment, existing government policy and institutional constraints continue to reflect traditional sex-role divisions and provide differential benefits for men and women which reinforce normative sex-role definitions. In the realm of paid work, most women are restricted to a limited number of occupations, are paid less, and have fewer training and career

possibilities. Further, the "motherhood mandate" (Lewis and O'Brien, 1987b) prescribes that they will assume the lion's share of child care responsibilities.

The social construction of fatherhood, on the other hand, is such that the "good" male worker "is not expected to let parental commitments influence or interfere with his work. He is expected to follow the same pattern of work, whether or not he has children, a pattern characterised by no breaks in employment, full-time hours and a readiness to work overtime and irregular hours as and when required" (Moss and Brannen, 1987:43). The "fatherhood mandate" encourages a consolidation and development of men's position in the realm of employment: material provision is seen as the embodiment of male parenting (Lewis and O'Brien, 1987b). Employment constraints similarly reinforce a gender-based division of labour in limiting men's active involvement in the family realm.

The characteristics of employment and family work among fathers and mothers are thus the product not only of structural constraints, but also of dominant ideologies; as structures of inequality reinforce ideologies, so ideologies legitimate structural inequities (Moss and Brannen, 1987). According to life course theory (Gideonse, 1984), an individual's life experiences (socialisation, education, family experience, work experience), in combination with existing constraints in the social structure, limit choice and the perception that a range of choices may exist, the clarity of the consequences of each choice, and the extent to which choices are seen as attainable. Central to the "traditional" ideology of fatherhood is the belief that the father should be the main breadwinner, that economic provision is the *sine qua non* of the paternal role; a view complemented by the belief that the mother's main responsibility is that of "family work" (Brannen and Moss, 1987:41). Such normative beliefs and cultural constraints affect socialisation, individual values, and occupational choices and achievements.

Traditional orientations toward "fatherhood" and "motherhood" remain strong, despite an increasing heterogeneity of "fathering" and "mothering" roles within families and the fact that men and women are both located in the sphere of employment. Gender-based inequities continue to prevail, and social facilities to enable the fusion of employment and child-rearing are largely lacking: current government policy and institutional barriers strongly reflect and reinforce traditional gender-role stereotypes. The employment and family work patterns of men and women are thus largely determined by realities over which individuals and families have relatively little control: as dominant ideologies and normative constraints serve to limit men's involvement in family work and women's participation in employment, structural barriers restrict their opportunities.

The employment of women with children is a recognised political issue. As mentioned, women are found disproportionately in lower paying jobs--overall, their income in Britain and North America is about 60% that of men; labour markets continue to be segmented, with occupational roles largely stereotyped on the basis of gender; promotion, training and other opportunities are often unavailable; and the difficulties of combining paid employment with family work commitments largely limit women's occupational choices. In part, the occupational attainment and earnings gap reflects the sex-role socialisation prevalent in our society; however, 84% of the income gap between women and men has been attributed to sex discrimination (Mortimer and Sorensen, 1984). While it has been shown that women's employment has risen in response to economic necessity of families, the erroneous assumption that women are secondary earners, receiving superfluous income, is sometimes used to justify their economic disadvantage.

According to resource theory, power within the family is directly associated with the economic contributions of the respective partners; in relation to negotiation over family work responsibilities, women appear to have little bargaining power. Lower-paying jobs in a segmented labour market mean relatively low economic contributions for women, which results in women assuming the lion's share of family work responsibilities, which in itself leads to limited employment opportunities and further economic disadvantage: a vicious cycle. The birth of children in particular disrupts women's employment; Joshi (1985) concludes that "responsibility for children 'costs' a representative mother around 6 to 7 years of labour force membership", with attendant economic losses. "Loss of work experience leads to missed increments and promotions, training and other opportunities, which affect later rates of pay; while the difficulties of combining paid work with domestic commitments cause women to return to low-paying jobs for which they are over-qualified ... or to get jobs which make full use of their skills, but reward them poorly" (Moss and Brannen, 1987:37).

The employment of fathers is not a public issue to any large degree, either in Britain or North America; it is not recognised in legislation, and rarely in the employment practices of individual employers, and politically there has been relatively little interest in the subject (ibid:36). In some quarters, however, this lack of attention may be changing as more men are becoming less willing to define personal success solely in terms of occupational and economic success and strive to become more involved with their families (Cohen, 1987). Aldous' (1979) account of success constraint theory emphasises the severity of family strains caused by work demands, with fathers in professional and managerial occupations as well as

those in working class families reporting a great deal of role strain, conflict, and overload (see Chapter 3.1). Nearly half the fathers in O'Brien's (1982) British study expressed high levels of work-home conflict--men who articulated beliefs in shared parenting, yet actually did relatively little, while at the same time being exposed to heavy employment demands.

The actual amount of time spent working and the scheduling of work are two major constraints consistently identified by working fathers as not allowing them sufficient time with their children (Moss and Brannen, 1987). Cohen (1987), in distinguishing between men's reports of their behaviour as fathers and their role attachments, found that men's lives contain greater attachments to, and are more profoundly affected by, fatherhood than is usually assumed--fathers repeatedly express strong attachments to their roles as fathers, although their opportunities for participation in their familial roles fall far short of their preferred levels of involvement, a result of what they perceive to be unreasonable work demands and the intrusion of their jobs into their family lives. Among the majority of fathers in full-time employment, the evidence points consistently to long hours spent at work; these hours appear to be longest and the scheduling of work most irregular among fathers of dependent children (Moss and Brannen, 1987:40). Overtime and moonlighting are often necessary to supplement family income at the stage of the family life cycle when children are young and family responsibilities are heaviest, a time when career progression considerations are also extremely salient (Lamb et al, 1987). As Veroff and Feld (1970) point out, "at this point in the life cycle, work represents their attempt to solidify their career for the sake of their family's security. They are torn between their desire to establish a close relationship with their children and their desire to establish financial security for the family". Again, as long as male employees continue to earn more than female employees, and increased paternal family participation may entail a decrease in the family's present and future earning power, a gendered division of labour will remain intact--even with married women in the paid economy, and fathers expressing dissatisfaction with "traditional" roles. Although some families attempt a redivision of labour and status within the family whereby fathers increase their family work responsibilities, conditions outside the family complicate such arrangements. Men are thus locked into remaining as full-time wage-earners, women's paid work is perceived as subordinate to men's, and men "specialise" in paid work as women "specialise" in family work. Inequality in each sphere feeds into, and perpetuates, inequality in the other; to break out of this vicious cycle, substantial changes in both the structure of employment and the family are required.

In sum, the changing roles of men and women have made the link between work and family explicit: they have revealed how much of what we take as personal is social in origin and scope. Efforts to expand options for women and men and to reconcile paid employment with family responsibilities have made the roles of women (and increasingly men) an intense political issue. The stated non-interference of the government in the "private" realm of the family has been vigorously challenged as state macroeconomic policy, income tax structure and various public programmes have been exposed as key areas of state intervention vis-a-vis the family--all of which serve to reinforce the present gendered structure of inequality.

The maintenance of traditional roles and relationships is an integral part of a conservative agenda; the persistence of occupational segregation and wage differentials between men and women is testimony to powerful vested interests. Employers have largely benefitted from women's lower wages and men's investment in work. Legislation that promotes changes in sex roles is a clear threat to those invested in the *status quo*. Eliminating employment discrimination would require the accommodation of employment to the requirements of family life, rather than leaving family life to be changed by the requirements of employment. Such changes threaten the basic organisation of the prevailing structure of inequality and cannot be accommodated without public and political action, involving the state and its potential power over the economy and conditions of work, and intrusion into "private" labour markets.

The equalisation of parenting between men and women is thus highly problematic. The interpenetration of work and family is such that to alter power and psychological structures in the family necessitates a concomitant restructuring of power and ideology in the spheres of employment and politics.

The law as an institution of interventive control has traditionally defined the basic rights and obligations of men and women, and fathers and mothers, on the basis of gender, maintaining a sex-based division of family roles and responsibilities and legitimising structures of inequality in both the family and in employment. The law sanctions and reinforces traditional family roles, both within the two-parent family and upon divorce. Its influence works through prescriptions and proscriptions, incentives and disincentives, reinforcing the primacy of paid work for men and of family work for women. Upon divorce, the gender-based division of roles with respect to children is clear: the father continues to be responsible for their economic support, the mother for their care; the mother is considered to be the appropriate custodial parent, the father becomes the non-custodial parent. Thus we

see a consistent pattern of decisions that both justify and reinforce a maternal presumption; this judicially-constructed preference has operated as effectively as a statutory directive, sanctioning and preserving fundamental gender-based inequalities in the post-divorce family.

Both shared parenting between fathers and mothers in two-parent families and joint custody after divorce are novel phenomena representing "private" solutions of families to gender-based inequalities and the role overload of women and men combining paid work with family work responsibilities. Most of the disengaged fathers in our sample considered the option of joint custody or shared parenting after divorce to be the optimal arrangement for themselves and their children; these types of arrangements, however, put pressure on political, economic, and social structures for necessary changes, such as parental leave and leave for family reasons, flexible working schedules, job-sharing, freely available child-care facilities, and the elimination of gender-based inequities in the workplace--and as such represent a clear threat to the prevailing structure of inequality. Joint custody threatens men's occupational role; the notion of father as custodian of his children threatens the basic normative order. Whereas sole maternal custody is seen to fit the social role of fathers and the time allocation required for their occupational role, joint custody, resulting in the greater involvement of men in child-care and child-rearing, would require a radical shift in values, a re-ordering of sex-role priorities, and increased political and social supports for gender-role changes. Thus while the great majority of fathers appear to want at least partial physical custody of their children after divorce, directly challenging sole maternal custody is a relatively infrequent occurrence: solicitor and judicial attitudes toward paternal and joint custody are such that men are actively discouraged in this regard. Further, given the options perceived to be available--sole maternal or paternal custody--fathers generally viewed maternal custody as the preferred choice, particularly if mothers were not employed outside the home and fathers were. Presumably, many fathers initially held the hope that meaningful father-child relationships could be developed within legal access arrangements; the actual consequences of sole maternal custody came to the fore only after divorce, as traditional access arrangements were established and indeed proved to be inadequate.

The judicial system has a crucial role to play in limiting child custody and access options, maintaining and legitimising traditional structures and relationships, and perpetuating gender-based inequalities after divorce. Upon divorce, the judicial system largely diverts attention from such inequalities by "individualising" an essentially structural problem, obscuring the need to alter

employment structures to make them compatible with family life. Deflecting attention from the wider structural issues of the inferior economic position of women and the need to provide expanded role options for women and men (equal opportunities for women in employment, the involvement of men in child care and child rearing, and improved state benefits for families), the law deals with the negative consequences of divorce on family members by focusing on the enforcement of financial support payments. It legitimises the call for solutions on an individual level; women's traditional economic ties to and dependence on their former husbands are thereby perpetuated, as are traditional family structures and sex-role divisions.

According to Foote (1988), the state has a strong interest in the ways in which former spouses in particular decide to treat their economic relationship. Divorce has been clearly associated with financial crisis and poverty; since the dramatic increase in the numbers of divorced families, it has become apparent that the state cannot afford to support them by way of social welfare programmes. New legislation in both Britain and North America has revealed the clear choice being made by the state regarding responsibility for the economic dependence that has emerged: rather than providing new or improving existing sources of direct financial assistance to divorced families, "the state has chosen instead to shore up private law remedies and to use public law to ensure that private law responsibilities are met...The family's own assets and work-related earnings and benefits are to be the primary source of financial support for needy individuals after marital dissolution" (Foote, 1988:34-35). New support enforcement laws and programmes are essential in this regard; the goal of such legislation is the reduction of public welfare expenditures: as such, the state, not the family, is the ultimate financial beneficiary (ibid:37). Foote quotes a recent Statistics Canada report: "...first and foremost, support liabilities must be firmly fixed on the shoulders of individuals, since the state is not yet prepared (or some would argue, able) to undertake a generalised liability for feeding, clothing, and entertaining its citizens...The state has an interest in ensuring that the financial responsibility rests firmly with the previous marriage partners" (ibid).

In sum, the impact of structural factors vis-a-vis post-divorce father-child relationships is clear. In ensuring that both the "motherhood" and "fatherhood mandate" remain intact after divorce, "custody" is effectively removed from the father and fully invested in the mother. The law also influences ideology and belief systems. In its appropriation of post-divorce child custody and access determination, it functions to limit post-divorce options for families and provides

notions of appropriate work and family role behaviours. Sole maternal custody with limited paternal access (and paternal responsibility for financial provision) thus comes to be perceived as the only available option for divorcing families.

3. Psychological Responses to Loss

Structural forces largely determine the consequences of divorce for fathers: in approximately 90% of cases, fathers are relegated to "non-custodial" status. The consequences of divorce for all non-custodial fathers--the loss of custody of the pre-divorce father-child relationship--are ostensibly similar, yet fathers' adaptations to these consequences are radically different. The essential difference between contact and disengaged fathers, as we have demonstrated, lies in the differential nature and quality of the pre-divorce father-child relationship. Divorce results in a more salient loss for disengaged fathers: where the pre-divorce father-child relationship was intense, a rigid and time-limited "visiting" relationship does not approximate what is considered to be "real fatherhood". The loss of the pre-divorce father-child relationship is more of a reality for disengaged than contact fathers; the consequences of divorce thus have entirely different meanings for the two groups.

The present section outlines a theoretical formulation of disengaged fathers' psychological reaction to the threatened or actual loss of their children and the pre-divorce father-child relationship--an analysis of disengaged fathers' individual adaptations to the consequences of divorce. The grief reaction of disengaged fathers, with a particular emphasis on the three essential elements of this process--child absence, role loss, and the constraints of the "visiting" relationship--will be examined in detail.

Theories of attachment and loss. The dominant response of non-custodial fathers to the crisis of divorce is one of loss and grieving, and the disengagement of non-custodial fathers is also influenced by their own psychological response to the loss of the pre-divorce father-child relationship. It is with the realisation of this loss in particular that the classical symptoms of bereavement emerge: initial shock and denial, feelings of anger, bitterness and victimisation, and a profound sense of loss and depression. Non-custodial fathers' failure to work through the grieving process, we shall endeavour to demonstrate, is a critical factor in their disengagement from their children after divorce.

As loss and grieving are recurrent themes in much of the clinical literature on divorce and divorced fathers (Greif, 1979; Ambrose et al. 1983; Jacobs, 1986), our analysis incorporates attachment theory, as it relates to situations of loss, including key constructs delineated by Kubler-Ross, Bowlby, Parkes and others. Further, as our review of recent fatherhood literature has demonstrated, primary attachment bonds are in fact formed between fathers and their children, and attachment theory has been widely used in analyses of the paternal role in the family. The effects of divorce on family members are greatly influenced by the quality of the relationships involved: if fathers form such attachments and are salient individuals in their children's lives within the two-parent family, severance of such ties will likely occasion significant reactions of loss for both fathers and their children.

Bereavement has been defined as the reaction to the loss of a close relationship, grief as the emotional response to this loss, and the grief process as the psychological mourning that occurs in bereavement, whereby the bereaved gradually undoes the psychological bonds that bound him or her to the deceased (Raphael, 1983). The loss of someone loved is described by Parkes (1983) as the most severe psychological trauma most people will encounter in the course of their lives; some recover from grief unscathed, or even strengthened, while others suffer lasting damage. The bereavement reaction may be described as comprising a series of phases, representing some of the processes of adaptation to loss.

Numerous clinicians and researchers, most notably Bowlby, Parkes, and Kubler-Ross, have described the grieving process in adults, observing changes in emotions and thought processes, behavioural, interpersonal and social changes, and the emergence or intensification of physical complaints following bereavement. Despite the fact that each emphasise the non-linearity of the grieving process they describe, they identify clusters of reactions or phases of bereavement that change over time. Although the number of phases varies and different terminologies are used to label them, there is general agreement about the nature of reactions over time. They also agree that there is substantial individual variation in terms of the specific manifestations of grief and in the speed with which people move through the process; every grief is unique, as people and relationships are unique. "Phases" are not clear-cut or fixed; the bereaved may pass backward or forward among them or may become "locked" in one or another, partially or completely.

The Kubler-Ross framework outlines five "stages" that persons experience in resolving interpersonal separation when caused by death: denial, a temporary defence against shock; anger, which comes with the initial realisation of the loss; bargaining; depression, a sense and feeling of great loss; and acceptance (Kubler-

Ross, 1953). Parkes also emphasises that the process of bereavement follows certain "patterns" or "phases", corresponding to those identified by Kubler-Ross: shock, numbness, and a sense of disbelief; followed by intense feelings of pain and separation, a pining and yearning, characterised by acute tension and anxiety; depression and apathy; and finally resolution or reorganisation, associated with the "discovery of a new identity" (Parkes and Weiss, 1983).

The view of loss from the position of attachment theory has been principally developed by Bowlby and refined by Parkes. Bowlby (1977) states that during the course of healthy development, attachment behaviour leads to the development of affectional bonds or attachments, at first between child and parent and later between adult and adult (and parent and child). The most intense emotions arise in "the formation, the maintenance, and the renewal of attachment relationships"; he sees "falling in love" as the emotion of forming bonds, "loving" as the emotion of maintaining them, and "grief" as the emotion of losing them. Threat of loss leads to anxiety and anger, actual loss to anger and sorrow. For young children, when the attachment bond is endangered by separation, powerful attachment behaviours such as clinging, crying, and angry coercion and protest are activated, along with acute physiological stress and emotional distress. The mourning behaviour of adults is not dissimilar to such reactions: there exists a clearly discernible tendency among adults who are separated from those to whom they are attached to cry out, search restlessly for the lost person, attack anything or anybody who impedes the search, and to find some way of "keeping alive" memories of the person they have lost; the separation anxiety, pining, and restlessness that are such striking parts of the set of reciprocal feelings and behavioural patterns which bind a child to its parent are also important components of the grief reaction of adults. When the actual loss of an important relationship occurs, there is a brief period of protest followed by a longer period of searching behaviour. Over time, this behaviour, aimed at re-establishing the attachment bond, usually ceases and despair sets in. Eventually, new attachments are formed; in some cases, however, chronic stress ensues (ibid).

In Parkes' (1972) concept of psychosocial transitions, certain events, such as bereavement, lead to major changes in the individual's "life space". He describes the assumptions on which an individual builds his world as his own "assumptive world"; in grief the individual must relinquish his or her set of assumptions about the world that included the lost person and the self in relation to that person, and then develop a new set of assumptions about the world in line with his or her new life circumstances. Parkes notes how much the view of self and identity may be dependent on an assumptive world including the lost person.

The view of loss from the position of attachment theory, according to Parkes, is such that "grieving is considered to be the "normal" reaction to a major loss, albeit a reaction in which normal functioning no longer holds. And if the "normal" reaction to bereavement is a period of grieving during which those affected are distressed and unable to function at the same level as before the loss, it is also "normal" for this grief to decline gradually in intensity and for the affected individuals to "recover" in the sense that they replan their lives and achieve a new and independent level of functioning. If, for any reason, this "recovery" fails to take place, this reaction is considered "abnormal".

Parkes underscores his analysis with an examination of the mental illnesses that follow bereavement. Detailed studies of bereaved psychiatric patients show them to be suffering from atypical forms of grief--distorted or abnormally persistent and severe forms of grief. Because "grief" is not a recognised clinical diagnosis, the bereaved psychiatric patient is likely to be diagnosed as suffering from reactive depression or a related condition, the particular diagnosis partly depending on the symptom that predominates at the time the bereaved first seeks help. There are grounds, however, for regarding pathological forms of grief as separate conditions in their own right, having distinctive aetiology, psychopathology, symptomatology and prognosis (Parkes and Weiss, 1983).

According to Parkes, there are two major sets of factors which complicate the process of grieving: factors that discourage the **expression** of grief (the mode of the loss, the surrounding social circumstances--both within the immediate family and society at large, and the personality of the survivor) and factors that discourage the **termination** of grief (the nature of the relationship with the lost person, the surrounding social circumstances, and the personality of the survivor). He identifies three forms of pathological grieving. Chronic (or prolonged) grief is characterised by persistent grieving without diminution in intensity despite the passage of time (Parkes and Weiss, 1983); it is the most common type of pathological grief and accounts for the poorest outcome in almost all cases. In inhibited (or absent) grief, involving partial or distorted expression of grief where denial appears to be the predominant form of coping, the bereaved person may appear to be coping effectively, but there are clues that not all is well, such as extreme anxiety when recalling memories of the lost person. In delayed grief, a long period of absent grief is followed by a sudden emergence of grief-like symptoms (Parkes, 1972). In their Harvard Bereavement Study, Parkes and Weiss (1983), utilising systematic procedures and a large data base of bereaved individuals and matched controls to test their formulations, concluded that absent and delayed grief are

relatively infrequent forms of pathological grieving, and added further categories, distinguishing between unanticipated grief, conflicted grief and chronic grief. In unanticipated grief, Parkes found that sudden, unexpected bereavements are a precursor of poor outcome: the magnitude of grief is greater following a loss that is both unexpected and untimely than when the bereaved has had time to anticipate the loss. In conflicted grief, reactions of anger or self-reproach, often associated with ambivalence toward the lost person, are associated with poor outcome: previous marital conflicts are typical of such losses of ambivalent relationships. In reference to chronic grief, reactions of intense yearning for the lost person in the early weeks of bereavement, associated with a dependent or intense relationship with the lost person, predict chronic grieving later.

Chronic grief, the most common form of "abnormal" grief and usually accounting for the poorest outcome, may be seen as characterising most of the disengaged fathers in our study. The normal phases of grief become protracted or excessively intense, making resolution and adaptation impossible; the father becomes "stuck" in the grieving process, usually displaying excessive anger, guilt and self-blame or, most characteristic of our sample, prolonged and severe symptoms of depression. Initial reactions of intense yearning associated with an intense relationship with the lost child, typical of our group of disengaged fathers, predicted chronic grieving. Inhibited grief, although less common, applied to a number of the fathers in our sample who appeared to be coping effectively, but betrayed clues that all was not well, such as extreme anxiety when recalling memories of their children. As discussed earlier, several fathers mentioned in this context their need to display a "facade of coping" in the midst of very intense yearning for their children.

Parkes (1986) classified the major factors determining the outcome of bereavement into antecedent, concurrent, and subsequent determinants. Antecedent factors include the pre-existing relationship between the bereaved and the loved person; as we have seen, the more intense the relationship between father and child during the marriage, the more complex the father's mourning and the greater the probability of poor outcome after divorce. The most intimate and intense relationships are those that are associated with the greatest grief when they are lost. Concurrent determinants include, on the one hand, variables such as personality, age, socio-economic status, and cultural and familial factors influencing the expression of grief and, on the other, the type of loss. Sudden, unexpected, and untimely losses are much more likely to be associated with difficult outcomes than are anticipated losses; in this context, fathers frequently reported a lack of

preparation or forewarning of the divorce when their wives had initiated it. Finally, subsequent determinants include the amount of social supports available, such as the response of the family and social network (particularly in sharing in or allowing for the expression of grief), concurrent stresses or crises and multiple losses occurring during bereavement, and emergent life opportunities--again the fathers in our sample appeared to be vulnerable each respect. Fathers' grief over the loss or absence of their children after divorce may be intense, yet it may not be readily recognised and supported by others, either within the immediate family or in society at large. Familial and cultural factors discouraging the expression of grief, combined with inadequate or non-existent social supports after bereavement, further add to the vulnerability of non-custodial fathers. Fathers in particular experienced multiple losses upon divorce: added to child absence and role loss are the loss of the former spouse (often the person most available for support in times of crisis), the loss of "home" and "family" and, often, the loss of one's former social network.

In our estimation, the intensity of the pre-divorce father-child relationship and its interactions is of paramount importance in determining the outcome of the grieving process of non-custodial fathers. We have posited an inverse relationship between pre- and post-divorce father-child relationships. The perspective of attachment theory makes this relationship clear: those fathers most involved with and attached to their children before divorce are most likely to acutely experience the negative effects of the loss or absence of their children.

With a startling intensity, the disengaged fathers in our sample described being emotionally connected to their children in strong and intimate ways, defining their "fathering" role as a central component of their identity:

"Definitions of fathering vary tremendously but I personally would equate it with parenting: a complete commitment to one's child, the major responsibility in one's life, a combination of nurturance, encouraging autonomy and initiative within prescribed limits. It's setting the stage to allow a child to grow and develop his potential to the maximum". (Scottish "disengaged" father)

"It means having an ongoing and continuing interest in the child's welfare during their life, even if they're doing things of which you don't approve. It means, on the one hand, being available when there are crises and difficult questions, and on the other hand being able to stand back a little and let the young person get a degree of independence. To make the young person value themselves as an individual and not just a clone of mother and father. It also includes a lot of physical things - washing sheets, ironing, making sausages. It means sharing things and sharing tasks, particularly when the wife is also doing a part- or a full-time job". (Scottish "disengaged" father)

"It's a way of living - getting up with your children, eating with them, doing work together, reading with them, hugging them, putting them to sleep, dealing with their fears, and enjoying their pleasures - living with them". (Scottish "disengaged" father)

Contributing to the chronic grief of disengaged fathers is the fact that while a salient loss has in fact occurred, the object of their grief is very much alive, and the grieving process persists as the finality of death is lacking. The predominant feature of the ongoing grief of disengaged fathers is a pervasive sense of preoccupation, loss, and sadness; depressive features are most often cited in fathers' descriptions of their post-divorce relationship with their children:

"The increasing distance between us. I have found no relationship harder to bear than a relationship where you're forced to be apart, where you have dropped out of each other's lives. I'll go on pining forever". (Scottish "disengaged" father)

"I think of them everyday, almost constantly, although I never see them. I feel I am constantly searching for my children, I think I see their faces in other children's faces. It's a desperate kind of yearning". (Scottish "disengaged" father)

"I have a constant, very real pain in my chest; there's tension, lack of sleep, constant worry ... I'm totally preoccupied with my son, and a lot of my time is spent trying not to think about what happened. But mainly it's a feeling of sadness, an emptiness, a kind of darkness". (Ontario "disengaged" father)

"I feel depressed and alone. At times I have a total feeling of despair, but I've got to gear my thoughts away from thinking like that. My heart feels like it's been ripped away, but I try to consciously steer myself away from thinking like that. I have to put on a facade of coping". (Scottish "disengaged" father)

"I'm finding it impossible to adjust. I had a big part of my life that I enjoyed - and lived for - just taken away. I feel a big gap in my life that I can't fill. I feel that the less I see of him the further away I'm getting from him. But the strain of seeing him for just a few hours a week was too much not only for me but on my son's side as well. The house is like a morgue - it's completely quiet, completely cold. I've felt very depressed but just have had to accept the fact that I've lost him and can't do anything about it. I've just had to accept the fact that I'm no longer part of his life ... I felt like a rat trapped in a cage. I felt on the verge of violence. I wanted to strike out against every member of her family. I felt paranoid - like I was falling apart, piece by piece. I couldn't concentrate on things - on anything, really. I felt mainly depressed after awhile - completely confused and hopeless after trying to think over what had happened and why it happened. Just a deep sadness about my son and about what had happened". (Scottish "disengaged" father)

Child absence. Divorced fathers' continuing involvement in their children's growth and development is constrained by legal access restrictions and what the custodial mother will allow; the strain of child absence is particularly pronounced

for disengaged fathers, for whom the loss is more salient, a reflection of the intensity of their involvement with and attachment to their children before divorce.

Child absence produces a significant difference in such fathers' perception of their functioning as parents after divorce. Feeling devalued as parents, these fathers described themselves as being rootless, having no structure in their lives, and generally anxious, helpless, and depressed. They consistently referred to initial fears of a diminished relationship with their children, and subsequent preoccupation with the absence of their children. Feeling deeply attached to their children during the marriage, they saw themselves as primary or at least co-nurturers of their children--and could not, upon divorce, tolerate the idea that this function was in jeopardy.

Although child absence was manifested in a number of ways, the great majority of the disengaged fathers in our sample displayed a number of signs of depression, resignation, and a full grief reaction connected to the loss of their children:

"It has had a very, very negative effect - like death, mourning - it is bad in every way". (Scottish "disengaged" father)

"It's a very great loss. It makes me sad, I have periods of intermittent depression, I wake up at 4.00 a.m., I have a lot of sleepless nights. Of course my present wife has helped tremendously, and encouraged me to channel these feelings into positive endeavours. But there's a tremendous feeling of loss and sadness, and it's a loss which can never be regained. The period of a child's life growing, in Elspeth's case, from 8 to 14, is a vital period for her and a vital period for me, which has been lost forever". (Scottish "disengaged" father)

"I feel very bad - I feel I am lost with nowhere to go, with no direction. And I feel no one can save me; I don't know how I can survive like this. I can't sleep - all the time I think about them". (Ontario "disengaged" father)

"I feel numb - I don't feel anything anymore. At first I felt completely terrified - for about 4 years. And then I just started losing all feeling. I don't know what I feel right now". (Ontario "disengaged" father)

The impact of child absence was as potent for those fathers who had not seen their children for several years as for those who had lost contact more recently. Time elapsed since the divorce, or since the last contact with their children, did not appear to diminish the intensity of fathers' grief.

Role loss. Child absence is accompanied by role loss: despite the fact that a "real" loss of children occurs after divorce, fathers also lose the status or role of "fatherhood"--for many, a major integrative force in their day-to-day functioning. As the child is lost, so is the "father" role and its functions.

Disengaged fathers, having enjoyed an active pre-divorce "fathering" role, found it almost impossible to maintain their role as parents in the face of limited contact and a significantly decreased level of influence in all areas of their children's growth and development. The less opportunity fathers had to act as "fathers", the less they saw themselves as "fathers". Role loss can lead to retreatism (Merton, 1968); the most previously involved and attached fathers, faced with child absence and perceived role loss, feel their ability and confidence vis-a-vis their "fathering" role to be drastically undermined:

"I've lost confidence in my ability - I totally lack confidence in handling children now". (Scottish "disengaged" father)

"I feel that I can be a good parent. As I do have good rapport with children, I feel I could be a good parent. But it's a difficult question to answer under the circumstances - it's an 'if' question - I really don't know". (Ontario "disengaged" father)

"Whereas I know I displayed confidence and skill in rearing my child before the separation, I feel quite uncomfortable around young children now. Even after a few days of being separated from my son, I initially felt anxious and awkward when I did see him and he reacted also in an awkward fashion. I very much question my abilities now, although I still feel a great yearning to be a parent and to utilise the talents I know I have. I just feel a tremendous lack in my life". (Scottish "disengaged" father)

Relevant in this context are attachment theory formulations relating to individuals' reactions to the perceived threat of loss of an attachment figure: in the case of divorcing parents, a clinging and cherishing of the parental role. With the rupture of their "marital identity", both parents tend to overvalue and overcherish their parenting role or "parental identity" and, in some instances to devalue, invalidate, or "psychologically erase" the role of the other parent (Williams, 1986). Contributing to the tendency of some parents to deny children's need and desire for the active involvement of the other parent is the notion that child custody should inherently be in the domain of only one parent. In perpetuating maternal custody, the legal system builds on parents' need to bolster their parental identity: the parenting role of mothers is strengthened by devaluing and invalidating that of the father. Those fathers who were highly involved with and attached to their children before divorce are especially vulnerable in this context: such fathers in particular may be viewed as potential threats to mothers' parental identity.

Parkes (1986) and others have identified the gaining of a new identity as crucial in the resolution of the grieving process; this was particularly problematic in cases where a father's identity was largely defined by his relationship with his

child. Further, the father-child relationship meets the needs for nurture, affection, love, and status for both father and child; children satisfy longings for genetic immortality, intimacy, and family life--this too is lost after divorce. According to Erikson (1963), "generativity" is a critical stage of the growth of the healthy adult personality, and "regression from generativity" results in a sense of stagnation and interpersonal impoverishment; an individual's development thus necessitates the opportunity for active and ongoing parenting.

The "visiting" relationship. An important psychological barrier to non-custodial fathers' post-divorce contact with their children is their inability to adapt to the constraints of the "visiting" relationship and to construct a new role as "part-time" parent after divorce, a particularly significant component in the disengagement of those fathers who had an active role to play in their children's lives during the marriage. Highly involved and attached fathers face the most abrupt disentanglement from the routines and events of day-to-day life which had structured their parenting role; their ongoing relationship is severely restricted by the legally-determined patterns and constraints of access "visits".

Disengaged fathers' conceptions of what "fatherhood" constituted were diametrically opposed to the structure that had been imposed upon them. For these fathers, "real fatherhood" meant living with their children on a full-time basis and sharing in everyday life with them. They felt "confused" and "lost" without their children and being with them on a full-time basis. They had a particularly strong desire to continue to be influential in all aspects of their children's growth and development, values and lifestyle, which they found difficult or impossible to do within the constraints of "visiting".

What made the "visiting" relationship most difficult for these fathers was the pain of the visits themselves--their brevity, artificiality, and superficiality. Access visits symbolised the abrupt ending of the pre-divorce father-child relationship and emphasised what had been lost in the divorce: the loss of their children and of the daily routine that had previously sustained the relationship.,

For previously involved and attached fathers, "visiting" their children mainly exasperated already-intense feelings of loss and deprivation:

"I find that visiting is very hard. The time is very restricted, the constant burden of a limited, restricted time is a very great pressure. There's a constant feeling that they're not your own any more - you try to fight off this feeling, you feel very emotional about it". (Scottish "disengaged" father)

"Living with would be so much easier than visiting, if I had the opportunity to do so. Visiting was very, very stressful, extremely upsetting. The changeover in my own case was very, very difficult, because of constraints

put upon the children by my wife and her parents. Things weren't made easy because of comments from my mother-in-law or my wife. It was very cold, unfeeling. If I were living with them, there'd be more time to establish a father role, more chance of a bonding, of a better bonding". (Scottish "disengaged" father)

"It's terrible - it's a traumatic experience. That's one of the things that brings me to the conclusion that maybe I should just give up. I've hardly seen my son, and each time I saw him I'd say, 'Well, this may be the last time I'll see him'. And I'm completely at the mercy of my wife - what she says is what's going to happen. And you feel so bad when you have to go - you're the visitor, and you go. But you think, 'This is my son. I'm here to see my son. And now I'm being thrown out, like a bloody salesman or something'. And then you don't know where or if you'll see your son again, and you're broken-hearted, and the child's broken-hearted, and you finally reach the point where you say you're just going to give up. The reason you give up is you're breaking your heart, and you're breaking the child's heart - so why not forget the whole thing? And that's the most terrible thing that can happen to a parent". (Ontario "disengaged" father)

Disengaged fathers also saw "visiting" as harmful to their children, especially in situations of extreme conflict between the spouses after divorce--adding further to their feelings of hopelessness, resignation and depression:

"It affects the child in that he's not comfortable, it's a big strain on the child. Living with your child - having custody - is something quite different, where a child would have his own home, his own toys, where he'd feel comfortable". (Scottish "disengaged" father)

"It's no good at all - it affects them badly in all areas of their life. In a visiting relationship the children always get what they demand from the father, because the father will do anything he can so that the children enjoy themselves - just because he's not sure if he'll actually see them the next time. And when they go home the atmosphere with the mother is different, and they miss their father. It affects them at school, at home, and in their relationships with other children. They keep asking themselves why they don't see their father like they did before". (Ontario "disengaged" father)

"If a father has a close relationship with the child, it can be devastating. Obviously eight hours a month together doesn't constitute any kind of real father-child relationship". (Ontario "disengaged" father)

Those fathers who were highly involved with and attached to their children before divorce and managed to remain in contact with their children after divorce were those who were able to arrange (in most cases mutually with their former spouses) an open and frequent schedule of contact with their children. These fathers reported that a co-operative and supportive post-divorce relationship had developed between the former spouses in regard to their parenting responsibilities. The nature of the non-custodial parent-child relationship is thus affected both by the

frequency and length of contact after divorce, with frequent and lengthy contact, (as opposed to "visiting") being much more likely to ensure continuity of contact in the case of fathers actively involved in their children's lives before divorce.

Perceived effects of divorce on children. A primary factor associated with the disengagement of previously highly involved and attached fathers was their perception that their children were being "caught in the middle" of an adversarial legal process and ongoing conflict between their parents. These fathers were reluctant to continue to expose their children to conflict, or to utilise what they considered to be "violent" means to "win" their children's custody, a process they believed to be potentially highly damaging to their children. Fathers' prevailing concern for their children's well-being thus functioned as a "Catch-22" against them: if a father was concerned about exposing his children to what he considered to be a "violent" process, or if he wished to not disrupt his children's lives further by challenging custody and upsetting their *"status quo"*, his ongoing contact with his children after divorce may well have been in jeopardy.

Disengaged fathers were more attuned to the potentially negative impact of the divorce on their children, a reflection of their previous attachment to their children. They believed that their children recognised their fathers' importance in their lives and would be severely affected by the rupture in the relationship. These fathers felt that their children's health and development was very much in jeopardy as a result of father absence after divorce:

"I could see all sorts of terrible effects. I wasn't able to provide a calming influence on what my wife was doing. I felt their lives would be totally disrupted. I was afraid that they would completely lose their father's influence - at a time when we were enjoying each other's company a great deal". (Scottish "disengaged" father)

"I felt that from every point of view he would be very much at risk in both the short- and long-term. I felt it would be devastating for him in every respect". (Scottish "disengaged" father)

"Given the close relationship that we had, I knew it would affect her negatively. I knew it would affect her, but in what way I didn't know. And I suppose I didn't give it the concern it should have received, in retrospect, because I thought it would only be a temporary situation. I suppose that this is how I've rationalised it". (Ontario "disengaged" father)

"I don't think they have any kind of family life. I don't think they have any real direction in their lives, they live just day-to-day. Their lives are just more or less left up to fate". (Ontario "disengaged" father)

"I think they have lost a sense of security, and there is a total lack of any fatherly role, which I think is very detrimental to them. They've lost the love of and for their father". (Ontario "disengaged" father)

Paradoxically, disengaged fathers stressed the importance of continued paternal contact as critical to their children's well-being after divorce:

"It is important to maintain the relationship in spite of the difficulties. It depends on the situation before separation. If the father had very little contact before separation, it's not so important to maintain links. But if he's closely involved in bringing up the child, he has to keep up the relationship. When it comes down to it, a person's security is rooted in his parents. This is very fundamental - security. A child should know where he came from, what his roots are". (Scottish "disengaged" father)

"The effects on the father are double-edged. A little bit of contact for someone who wishes to be a full-time father is a crumb from the rich man's table, and I would feel that the little bit of contact would add greatly to the father's distress when he goes away, or when the child goes away. But that father is an adult and I think that disadvantage emotionally of the recurrent sore of leaving his own child has to be taken for the sake of that child". (Scottish "disengaged" father)

"Well, there's no substitute for them living with you, is there? But the next best thing is to see them as regularly as possible, to keep contact, and to show an interest in their life. That's important - to keep a close contact with them, to discuss their problems, try and get as close to being as normal as you can with them. Obviously living with them is a lot better than just visiting with them, but you've got to try to make it as close to that as possible - as if you were actually living with them without being separated or divorced". (Scottish "disengaged" father)

Recent formulations have characterised disengaged fathers as emotionally ill-equipped to deal with the complex psychological reactions to divorce, or as simply not wanting or being interested in further contact with their children. The present findings challenge such assumptions. We would argue that in fact disengaged fathers' emotional attachment to their children serves as a "Catch-22" against them: unable to utilise what they consider to be essentially "violent" means to "win" the custody of their children and unable to engage in a process which they perceive as potentially harmful to their children, they withdraw. It is disengaged fathers' previous attachment to their children which ultimately serves to jeopardise their ongoing contact.

4. Cross-national Comparison

A final comment in regard to the data concerns the absence of findings of significant differences between the Scottish and Ontario subsamples. While some differences between fathers from Scotland and Ontario obtained in relation to some of

the legal aspects of the divorce (see Chapter 4.2), these were negligible in comparison to the striking differences between contact and disengaged fathers in relation to a large number of variables. The differences between contact and disengaged fathers were virtually identical in the two locales; where significant differences between fathers who remained in contact with and those who became disengaged from their children were reported, these applied equally for the Scottish and Ontario subsamples.

While it appears that in the Ontario context there is wider public discussion of alternative post-divorce structural arrangements than in Scotland, particularly in light of the higher rate of mothers with dependent children being employed on a full-time basis in Ontario, legal structures and processes predominate in matters of child custody and access in both locales, and the actual outcomes of these processes are almost identical; that is, the percentage of divorced fathers becoming non-custodial parents and the influence of the legal system in promoting traditional family structures after divorce are equivalent.

The four main findings of the study, relating to the impact of divorce on non-custodial fathers generally, the discrepancy between fathers' stated desires and what they finally obtain through the legal system, the discontinuity between pre- and post-divorce father-child relationships, and the aetiology of non-custodial fathers' disengagement, were equally manifest in Scotland and Ontario. The lack of any substantive differences in the geographical comparison, with parallel data obtaining between Scotland and Ontario, eliminates plausible alternative hypotheses, contributes to the validity of the data, and allows a measure of generalisability of the findings not otherwise available.

CHAPTER 7

Therapeutic and Policy Implications

The results of this study have ramifications both for clinical practice with fathers and families and for social policy in Scotland and Ontario; because of the observed similarity of patterns, experiences, and dilemmas of non-custodial fathers in both locales, the implications examined here are intended to cross national boundaries and pertain to both jurisdictions. Our division between therapeutic and policy implications is a loose one: the two are interrelated and in many instances overlap; they are thus presented as a "package" and are not meant to be received in isolation. The first two sections focus on issues with both clinical and social policy implications: joint custody as an alternative to sole custody, and conciliation counselling as an alternative to litigation in matters of child custody and access. Section 3 outlines a number of specific therapeutic implications vis-a-vis divorced fathers and families, while more global policy aspects are examined in the final section.

1. Post-divorce Child Custody and Access Arrangements

The presented findings on the impact of divorce on non-custodial fathers complement existing studies detailing the chronic emotional and economic overload of custodial mothers solely responsible for their children after divorce, and the negative effects of the consequences of divorce on children's development and emotional well-being (see Chapter 3.1). They also support more recent divorce research suggesting that it is not divorce *per se* that results in the difficulties experienced by family members after divorce; rather, certain critical mediating factors stand between the event of divorce and post-divorce outcome for family members. These include the extent to which parents and children are able to maintain an ongoing meaningful relationship, and the level to which parents are able to support each other in their continuing parental roles--and the extent to which informal social networks and formal judicial, educational, and welfare institutions are supportive in regard to both.

The disengagement of non-custodial fathers from the lives of their children after divorce, particularly those most involved with and attached to their children during the marriage, is largely the result of a custodial arrangement which they perceive as "disqualifying" them as parents: these fathers find that meaningful, regular and frequent parenting is not possible within the bounds of sole maternal custody and limited paternal access; the very concept of "access" connotes for many fathers a *de facto* cessation of their parenting role. Fathers want at least partial

physical custody of their children; many of the fathers in our sample considered shared parenting with their former spouses as the only custodial arrangement that would allow them to continue a meaningful relationship with their children after divorce, in which they could retain a semblance of "real fatherhood", as opposed to the avuncular nature of the "visiting" relationship.

Many of the disengaged fathers in our sample suggested that a legal joint custody arrangement would have allowed them to continue their parenting responsibilities after divorce. If indeed the most vulnerable group of fathers vis-a-vis loss of post-divorce contact with their children are those who were previously most actively involved with and attached to their children, and if we accept research evidence that the key factor in the positive outcome of most children to divorce is the continued involvement of both parents in child rearing, the appropriateness of sole custody determinations is called into question, and the desirability of joint custody as an alternative arrangement warrants serious consideration. In cases where both parents possess adequate parenting abilities and have been salient individuals in their children's lives, and wish to maintain their parenting responsibilities in an active manner following divorce, a joint custody arrangement may potentially have the most positive long-term benefits for all family members.

Joint custody as an alternative to sole custody . In sole custody, courts give to one parent the rights and responsibilities for a child's care and control that had previously been held by the two parents together: divorce is understood to require that one parent relinquish care and control over the child, as the custodial parent effectively assumes full authority. Legal sole custody awards represent a public acknowledgement and notice that the role of non-custodial parent is expected to be reduced (Richards, 1982b). In its pattern of awarding sole maternal custody in both contested and uncontested cases, the judicial system serves to legitimate and strengthen "traditional" family norms and gender-based structural inequities: a mother's post-divorce role is assumed to be synonymous with full-time parenthood and the father's with economic provision. Such custody determinations effectively "disqualify" previously involved fathers as active parents, leave mothers feeling overwhelmed by the sole responsibility for their children, and result in children being deprived of and yearning for their absent fathers.

While there is a relative paucity of research on alternative child custody options, a number of recent studies have supported joint custody as a viable and optimal structural arrangement for many families after divorce. Ahrons (1980) discovered that "joint custody" in fact constitutes a wide variety of parenting arrangements and relationships among families; she found that not all joint custody

parents are amicable, nor do they always share responsibility equally for their children. While the amount of inter-parental support and conflict was found to be a strong predictor of shared parental responsibility and decision-making, it was not a significant predictor of the amount of time fathers spent with their children or their involvement in activities with them; regardless of whether joint custody parents supported each other or were in conflict, joint custody fathers were significantly more involved in parenting post-divorce than non-custodial fathers.

Leupnitz (1982) provided a significant advance in joint custody research by interviewing children as well as parents, and by comparing sole maternal, sole paternal and joint custody arrangements. She concluded that children are more satisfied with joint rather than with sole custody arrangements:

"Contrary to the warnings of many judges, there was no evidence that the joint custody families sustained more post-divorce conflict than single-parent custody. Contrary to the warnings of Goldstein, Freud and Solnit (1973), there was no evidence that children experienced a great disruption from living in two houses. In fact, most children felt their new lifestyle held certain advantages over the nuclear family household. Whereas many single parents had 'split the scene', forfeiting all contact with the children, no joint parent had done so... There was evidence that joint custody children had maintained meaningful relationships with both parents, in contrast with the single-custody children for whom the 'visit' was a vacation. Single-custody parents reported feeling 'burned out' and 'overwhelmed' in a way that joint parents did not."

Shiller (1984), in a study investigating and comparing the attitudes of children in joint and sole maternal custody families, substantiated Leupnitz' findings, concluding that divorce causes less trauma and dislocation to children whose parents opt for joint custody and that these children appeared to be more comfortable with the *status quo*, with a more realistic image of what the future would bring. Wolchik et al (1985), in a study comparing the experiences and adjustment of children in joint and maternal custody arrangements, found that children in joint custody homes reported a significantly higher number of positive experiences than children in maternal custody arrangements. In a recent British study Lund (1987) compared children and parents in "single-parent/father absent" families with those in "conflicted co-parenting" and "harmonious co-parenting" families and, utilising independent teacher ratings in addition to interviews with both parents and their children, concluded that children were best adjusted in harmonious co-parenting families and least in single-parent families.

Irving et al's (1984) study of "shared parenting" after divorce utilised a large data base and followed families for a comparatively longer period of time than

previous research. Contrary to expectations, they found that shared parenting is a realistic consideration for all economic groups, an idea that was obscured by the preponderance of middle- and upper-class families reported on in earlier studies. Also, parents with initial doubts and some reluctance about opting for shared custody eventually came to regard the decision as the correct one. It was not necessary for joint custody parents to be favourably disposed to each other for the arrangement to work, although most respondents reported a change in their feelings toward their former spouses, typically becoming more positive; nor was it necessary for parents to have co-operated easily in sharing parental responsibilities while the marriage was still intact. In almost all cases, the initial consideration of the possibility of a shared parenting relationship was first raised by one of the parents rather than by solicitors, conciliation counsellors, or other professionals. Overall, nearly 90% of shared custody parents were in favour of the arrangement. Irving et al concluded that joint custody is a viable option for a range of divorcing couples, but is not for everyone. Good predictors of outcome success include a commitment to parenting, reasonable communication skills, flexibility, the ability to circumscribe or separate marital conflict from matters concerning the children, and good faith with regard to the maintenance of mutually agreed-upon arrangements; conversely, intense and continuing conflict, weak parental commitment, overwhelming anger, irrational hope of reconciliation, strong feelings of guilt, or the willingness to use the issue of custody as the arena in which to punish the other spouse were all predictors of outcome failure.

An important caveat must be made in interpreting the results of studies of joint custody families because most involve parents who have self-selected into such arrangements. Brotsky et al(1988), however, reported on a study of a pilot conciliation service designed to promote joint custody in cases where at least one of the parties was opposed to the arrangement, in a jurisdiction (California) where mandatory conciliation is intended to promote joint custody. In a one-year follow-up of such "conciliated" joint custody arrangements, the authors found that joint custody provided stability (93%), parental satisfaction (68%), valuing of the other spouse (97%), and comfort for the children in relation to both parents (82%). When compared with those in sole custody arrangements, children in joint custody homes, like their parents, were reported to be functioning better in all areas; the authors concluded that the fact of parental divorce was not as much a determinant of a child's poor adjustment as was the type of post-divorce living arrangement.

In sum, the "case" for joint custody has been made from both the perspective of the child and of the parents. Joint custody has been associated with positive post-

divorce outcomes for all family members; no comparative research has found it to be worse than sole custody. The literature has identified the central hazard which divorce poses to the child's psychological health and development as the diminished or disrupted parenting that occurs at the point of divorce and becomes consolidated during and after divorce. Children's intense longing for greater contact with their non-custodial parent persists undiminished, a fact which points to the desirability of their continuing regular and frequent contact with both of their parents. Joint custody spares children the feeling of rejection implied by the departure of one parent; it ensures the preservation of attachment bonds with both parents in a protected relationship. In many ways, a joint custody arrangement after divorce may have important advantages over a two-parent family situation for children: joint custody enables each parent to rest, travel, and enjoy periods of solitude; the resultant lower level of stress can contribute to parents' increased emotional availability and patience, and the ability to make co-operative and constructive co-parental decisions on behalf of their children (Folberg and Graham, 1981). Joint custody exposes children to two lifestyles and two points of view, offering a larger array of positive characteristics to model and a greater variety of cognitive and social stimulation. In providing for active parenting by two nurturing figures, joint custody may contribute to a breakdown of gender-differentiated character structures in children (Folberg and Graham, 1981; Richards, 1982b).

Studies have demonstrated that for parents, joint custody provides an incentive for co-operation regarding their continuing parental responsibilities: what often begins as a "front", an appearance of minimal conflict in the children's presence, becomes in time a "normal" pattern of relating, a self-fulfilling prophecy (Irving et al, 1984). Although joint custody is associated with the development of more positive relationships between parents in which each is supportive of the other's parenting efforts, it has also been shown to work with antagonistic parents and for most of the cases in which one parent is initially opposed to the arrangement (Irving et al, 1984; Calvin, 1981). Joint custody is also associated with significantly fewer re-litigations and a higher compliance rate in financial matters than sole custody (Irving et al, 1984; Folberg and Graham, 1981). Within a joint custody arrangement, parents are generally more comfortable with the *status quo* and more realistic about their future, with fewer reconciliation fantasies and impossible expectations (Irving et al, 1984). As joint custody relieves mothers of the dual responsibility of paid employment and full-time parenting and allows fathers an equally active role with their children, it affords opportunities for more

egalitarian relationships between women and men after divorce (Folberg and Graham, 1981).

For fathers, the benefits of joint custody are obvious, as highlighted by the present study: those fathers previously highly involved and attached to their children are able to continue to be centrally responsible for and involved in their care and development, and are afforded the daily intimate contact that living together, rather than "visiting", provides. Those fathers previously on the periphery of their children's lives are presented, if they so desire, with a unique opportunity to become competent, caring, and nurturant parents and to enhance their relationship with their children.

While research studies have provided substantial empirical support for joint custody as a viable post-divorce option for families, from both the perspective of children and the entire family system, a number of concerns have been expressed among legal scholars in particular in regard to various aspects of such arrangements. Some legal researchers (Fineman, 1988; Polikoff, 1982) have argued in favour of a sole custody "primary caretaker" presumption as preferable to joint custody, questioning the degree to which joint custody actually reflects pre-divorce family structures. These writers have rightly cautioned against uncritical acceptance of the position that women and men make undifferentiated, exchangeable contributions to parenting during the marriage. It may be questioned, however, whether sole custody is in fact more reflective of pre-divorce family structures than joint custody. Bearing in mind our earlier distinction between parental involvement with, attachment to, and influence on children, while (given a heterogeneity of parenting roles) mothers generally assume the major responsibility for child care before divorce, in the majority of cases both parents form close and unique attachment bonds with their children and remain uniquely influential in their development (Lewis, 1986; Lamb, 1986b; Parke, 1981). This is reflected after divorce in children's pervasive longing for their non-custodial parent. The primary caretaker presumption fails to make the distinction between involvement, attachment, and influence of parents, nor (as with the "one psychological parent" position of Goldstein et al) does it recognise the existence of a heterogeneity of parenting roles in families, including shared parenting arrangements before divorce (Ehrensaft, 1980).

An issue of considerable debate regarding joint custody concerns the ex-spouses' ability to co-operate: joint custody can be calamitous if parents are unwilling or unable to co-operate, which may represent the majority of divorces involving children. Folberg and Graham (1981), however, argue that the

adversarial nature of the legal system, when extended to the issue of child custody, perpetuates a climate of animosity between persons who have already proven that they cannot get along together. To the extent that the legal system casts divorcing parents in the role of enemies and expects them to be unable to co-operate, a self-fulfilling prophecy is created. A presumption of joint custody is seen as a way to overcome this dilemma, according to Noble and Noble:

"...if custodial care were to be considered a joint responsibility in divorce, as it is in marriage, there would be less opportunity for enmity to replace co-operation ... arguments about child upbringing, financial needs and the like go on in virtually every marriage, normal or otherwise. These arguments do not have to become more shrill upon separation. In fact, removing the irritation factor of two unloving people living together can probably make them both more responsive to the needs of the children." (Noble and Noble, 1975:160)

Although there has been a frequent suggestion that joint custody can work only for couples with an amicable relationship, the pertinent inquiry should be whether the parents are able to isolate their marital conflicts from their roles as parents (Calvin, 1981). As discussed earlier, there is strong empirical evidence that a couple who make a commitment to share custody of their children are able to co-operate even though they continue to feel considerable antagonism toward each other (Irving et al, 1984; Calvin, 1981). An award of joint custody may create an incentive for parental co-operation; the one-sided power of the sole custodian is neutralised and the powerlessness of the non-custodial parent reversed, decreasing the possibility of using the children as "pawns". When neither parent feels threatened with the possibility of loss, each is in a healthier position for co-operation (Calvin, 1981). Once in operation, joint custody may promote parental co-operation insofar as it may more fully satisfy the needs of both parents by allowing a combination of "time off" and enhanced involvement in child-care, overcoming the problem of mothers feeling overwhelmed by sole responsibility for children and fathers being largely "underburdened" (Greif, 1979; Folberg and Graham, 1981).

Another major concern about joint custody is that it may be disruptive and confusing for children to have two homes, where they encounter two different lifestyles and value systems: It is argued that joint custody inherently creates an unstable, impermanent condition for children (Little, 1982). A child in this situation will be "bounced" from parent to parent and his or her loyalties will be divided; "stability" and "continuity" require custody to only one parent (Goldstein et al. 1973). In rebuttal, it has been emphasised that children have strong attachment bonds and relationships with both parents and show remarkable tenacity in

continuing these under a variety of conditions (Richards, 1982b). A number of studies have sought to weigh the advantages for children of having two "psychological parents" after divorce against the problems created by two separate residences in order to determine whether two homes undermine stability. Greif (1979) concluded that the concern over the disruption of having two homes is rarely a concern of members of joint custody families themselves. Abarbanel (1979) observed shared custody families in California and found that children feel "at home" in both environments and see themselves as living in two homes. She concluded that the children of the families studied did in fact have "two psychological parents, not one".

Stack (1976), in advocating a legal presumption of joint custody, argued that sole custody deprives children of being exposed to another world view from the non-custodial parent, which may better equip them for life in a pluralistic society. She also noted that sole custody can sever a child's ties with an entire set of relatives, while joint custody allows the child's support group to expand, including not only both parents and their relatives but also each parent's new friends. Thus, whereas Goldstein et al (1973) emphasise the child's vulnerability and need for a consistent and predictable world, their critics emphasise the child's resilience and need for stimulation from diverse sources.

It is now generally recognised that a child's "best interests" are interdependent with and to a large extent a by-product of the "best interests" of their parents (Folberg and Graham, 1981). Most sole custodial mothers feel that their children largely overburden and imprison them, and there is strong evidence that these mothers become physically and emotionally exhausted, as well as socially isolated (Wallerstein and Kelly, 1980; Folberg and Graham, 1981). It is not surprising, then, that in a study of joint custody parents, mothers reported that the greatest advantage of the arrangement was the sharing of responsibility for their children (Nehls and Morgenbesser, 1980). In the same study, fathers reported that the greatest advantage of joint custody was the opportunity to maintain meaningful contact with their children in "normal" day-to-day living situations.

According to Ahrons (1983), patterns of parental relationships following divorce are undergoing significant change. Divorce research in the 1950s and 1960s treated divorce as a singular event that destroyed the family and resulted in a "broken home" or "single-parent family". A new concept of the post-divorce family is emerging that views divorce not as dissolving the family but as a crisis in the family life cycle requiring a rearrangement of family relationships (ibid). Elkin (1978) observes that "the very decision of divorce may be a family's way of trying to salvage the family by putting the pieces together in different ways". Of the many

possible family patterns that can emerge after divorce, one is the establishment of a maternal and a paternal household still connected by the attachment bonds of the parents to the children and the children to the parents--one where both parents retain custody of their children.

The potential of joint custody as an alternative to traditional custody and access arrangements is examined within the following recommendations, based upon key findings in current research examining the repercussions of sole versus shared post-divorce parenting arrangements for all family members, supplemented by our own data:

1. Definition of joint custody. As we have seen (Chapter 4.1), "joint custody" has assumed a variety of meanings in the literature, referring to a plethora of custodial arrangements where both parents participate in their children's lives after divorce. In some instances, the distinguishing feature of joint custody is proposed to be the parental retention of legal responsibility and authority for the care and control of children; in other instances, joint custody means that both parents will retain not only legal but also physical custody and will jointly provide for the day-to-day care and control of their children. Thus, joint custody may mean that both parents simultaneously have legal custody with one parent being the primary physical custodian, or it may refer to a sharing of both legal and physical custody.

An important concern of some divorce scholars is that joint legal custody may empower fathers, allowing them control over their children (and ex-wives) without any demonstration of responsibility for child care on their part (Fineman, 1988; Weitzman, 1985). The degree to which legal joint custody reflects *de facto* post-divorce family structures strikes at the heart of the joint custody debate. Where joint custody dispositions continue to resemble *de facto* sole maternal custody, the social role and functions of custodial mothers are maintained in practice but their legal rights and control over their children's lives are largely removed; from children's point of view, such "joint custody" is meaningless. While joint legal custody has been shown to permit and facilitate joint physical custody--the evidence cited above indicates that *de jure* joint custody fathers are in fact significantly more involved in *de facto* parenting than non-custodial fathers--the potential for abuse and inequity remains in those cases where parental rights are granted via joint legal custody without any corresponding requirement for the assumption of active responsibility for child care.

In our view, "custody" of children should involve both physical custody--the actual day-to-day care and control of children--and legal custody--arrangements

regarding children's education, medical care, religious upbringing, and so on.' We would steer practitioners and policy-makers toward a more stringent application of the term "joint custody". The assumption of parental rights without concomitant expectations regarding shared post-divorce child-care participation has the potential for serious abuse; if, in joint custody, parenting is not *de facto* a shared activity and if mothers remain as primary caretakers of children, then it may well be argued that "the search for symbolic equality has led to a sacrifice of equity" (Fineman, 1988). Joint legal and joint physical custody should be distinct but complementary; theoretically, we envisage the concept of joint custody as requiring an equal sharing of both elements by each parent.

In the present study, fathers primarily desired at least partial **physical** custody of their children; that is, frequent and regular contact, and having their children live with them at least part of the time. After a period of time they came to realise, however, that the only way to ensure such a level of contact and physical custody (or frequent and regular access) was through the legal recognition of their right and responsibility to continue as "equal" parents after divorce in the form of legal custody; joint legal custody was thus seen to be required for the proper operation of joint physical custody.

While those suggesting that the primary issue for divorced fathers should be not one of custody but increased access point to the fact that certain forms of liberal and residential access differ little in practice from joint physical custody, fathers in the present study did not consider sole custody with liberal access to be the equivalent of joint custody. They saw the difference between sole and joint custody to be not just a matter of degree but one of substance: within the present legal framework of custody and access determination, they considered the sanction of the judicial system of joint custody as critical in reflecting the centrality of both parents in their children's lives. For both contact and disengaged fathers, joint legal custody represented a form of legitimation of the importance of fathers' ongoing role as physical caretakers of their children after divorce. With joint legal custody, which they felt was the only way of ensuring their continued role with their children given the forms of legitimation currently available, the disengaged fathers in our sample believed that regular contact with their children would have been maintained.

The definition of joint custody we favour is that of Roman and Haddad (1978:173):

"that post-divorce custodial arrangement in which parents agree to equally share the authority for making all decisions that significantly affect the lives of their children. It is also that post-divorce arrangement in which child

care is split equally or, at the most discrepant, child care resolves itself into a two-to-one split"

Such a definition is flexible enough to allow each divorcing family to negotiate an arrangement best suited to their unique needs, but specific enough to give a readily identifiable shape to the arrangement; it also includes both concepts of physical and legal custody. Joint physical custody should be central to the definition of any joint custody arrangement. While this does not necessarily mean a precise apportioning of a child's time on an equal or "fifty-fifty" basis, and while flexibility based on children's and parents' needs is important, the concept should entail the notion of two committed parents having regular and frequent physical contact and caring for their children within a daily routine in separate households.

2. Presumptive but rebuttable joint custody. We would propose that joint custody, as defined above, be made presumptive but rebuttable. We consider "presumption" to be but a quasi-mandate; realistically, it simply suggests the capacity for, and importance of, shared parenting and the social sanction for such an arrangement. Rather than legal joint custody orders being made, the preservation of existing bonds and relationships after divorce may be a more appropriate symbol of continuing parent-child relationships and their immunity to the termination of the marital relationship (Richards, 1982b). According to Burgoyne et al,

"Within marriage, custody is held jointly and equally by both parents and it is necessary to question whether that situation should be changed by divorce. Indeed, this could be put more positively; at the end of a marriage it might be desirable to reaffirm the role of both parents and so make it clear that although the divorce is the end of the parents' marital relationship, their parental rights--to use an old-fashioned term--and duties persist. One way to symbolise the two partners' continuing roles is to have a joint custody order or, as some have suggested, to make no order at all about custody so that the situation that obtained in the marriage persists." (Burgoyne et al, 1987:140)

In no way should joint custody be coerced, however, in cases where both parents desire a sole custody arrangement or demonstrate a weak commitment to shared parenting. Further, there are clear contraindications to joint custody; that is, cases in which sound, objective reasons exist to justify one parent's opposition to joint custody (or access), such as the abuse, neglect, or exploitation of children, the physical or psychological incapacity of a parent, chronic alcoholism or drug addiction, or proven disinterest in caring for the children. If a child indicates fear of one parent's unpredictability or abuse, or consistently refuses to spend time with that parent, the desirability of joint custody must be called into question. While such cases are exceptional and the presumption of joint custody is based upon the

assumption that in the vast majority of cases, both parents are capable, trustworthy, and loving custodians, at the same time the presumption presupposes the need to differentiate carefully between those for whom shared parenting is an appropriate custody option and those for whom it is contraindicated.

A joint custody presumption defining shared parenting after divorce as in the best interests of children would encourage divorced fathers to become more involved with their children and would help mothers understand that fathers have critically important roles to play in the growth and development of their children after divorce; such a presumption could thus have a strong impact on societal and cultural norms. We believe that if the judicial norm, joint custody may become the option of choice for a significant number of families, in light of fathers' stated desire for joint custody, the overwhelming pressures on mothers combining employment with full-time child care responsibilities, and children's desire for the active involvement of both parents after divorce. A joint custody presumption, in removing the need for parents to compete to "win" their children, would communicate the expectation that they jointly work out an arrangement of shared responsibility for child rearing. Such an arrangement, we believe, is essential to preventing the post-divorce disengagement of those fathers previously actively involved with and closely attached to their children.

3. Joint custody counselling. With adequate counselling support, the ideal of joint custody could become a reality for a significant proportion of divorced families. Various counselling programmes (see Section 2 of this chapter) can help to diffuse situations of intense conflict (which warrant against the adoption of a joint custody arrangement), introduce the option of shared parenting to divorcing parents and, where appropriate, help them to create conditions conducive to the success of such an arrangement.

Joint custody counselling can assist parents to come to terms with a family arrangement deviating from the norm, assess their own parenting desires, strengths, and weaknesses, define the demands and needs of their new lifestyle and living arrangements as well as those of their children, and arrive at a satisfactory and workable plan of parenting that can optimally fulfil their continuing roles as parents. In such counselling, attention is focused not on past-oriented marital and affective issues, but to present- and future-oriented parental issues of a rational and cognitive nature.

An agreeable and workable joint custody plan is the ultimate aim of joint custody counselling. Initially, such counselling is seen as being highly educative, involving didactic presentations about children's developmental needs, and in

particular their need for the active post-divorce involvement of both parents. The feasibility of a joint custody arrangement could then be examined from the parents' perspective, with each parent being asked to outline their parenting needs and interests, indicating the amount of time they would like to invest, and to evaluate their parenting strengths and weaknesses. Factors of geography, number and ages of children, as well as children's school and peer involvement can then be examined, as well as practical needs and constraints in terms of day-to-day concerns and the realities of the entire family. A range of daily, weekly, and monthly schedules could then be considered: alternatives include sharing children on a daily basis, as with one parent during the daytime and with the other in the evenings; a split week, with one parent 3 days per week and with the other 4 days; alternating every other week or month; and alternating weeks, every 2 weeks, 3 weeks, one month, and so on. With young children, who have a limited sense of time, it may be desirable to see both parents on a relatively frequent basis; parents should be urged to maintain residences in the same geographical locale at least until their children get older. The latter arrangement may be optimal for all ages of children, allowing them to stay in the same school and neighbourhood, play with the same friends, and be with both parents on a regular and frequent basis.

The final stage of joint custody counselling is seen as that of plan formulation, from a skeletal structure to the specifics of the joint custody arrangement. As much specificity as possible may be initially required to avoid future confusion and conflict, including details of scheduling contact with the children, and a listing of which responsibilities are shared and which are held by each parent. Parents can be assisted in identifying those issues which require joint consensus and consultation (such as child management and discipline strategies, medical care, education, and religious training) and aided in their negotiation of same. Over time, flexibility should be encouraged; contingencies are needed as unexpected events can and do occur--parents should be prepared to react with consideration and resilience rather than with rigidity, to stick to the "spirit" of the plan rather than to the "letter". Other issues, potential obstacles, and areas of conflict regarding parenting can then be examined in helping parents to develop workable methods for dealing with them as they occur. In addition, issues of possible remarriage, geographical relocation, and how to deal with children's changing developmental needs should be considered. Finally, parents should be urged to return for counselling as future issues develop.

2. Modes of Custody and Access Determination

The majority of fathers in the present study described the legal system as exasperating or creating conflict between the former spouses, setting a tone for the post-divorce relationship which did not bode well for fathers' future contact with their children. They felt that a more "conciliatory" approach, bringing both parents together to negotiate custody and access arrangements, would have produced more beneficial results for themselves and their children.

Their views complement current research on the impact of divorce on children. As a critical variable affecting the adjustment of children after divorce is the extent of continued involvement by both parents in child-rearing, so it has been found that divorces having the least detrimental effect on the development of children are those in which the parents are able to co-operate in their continuing parental roles (see Chapter 3.1). If parental co-operation can be freed from the marital tension that may have adversely affected the children within the marriage, then the divorce may present a positive developmental influence. Rarely, however, is this an outcome of a legal mode of custody and access determination (see Chapter 4).

If indeed the legal system exasperates or creates conflict between the spouses after divorce, contributing to fathers' disengagement from their children, and if we accept research evidence stressing the importance of parental co-operation after divorce for children's ongoing development and emotional well-being, then the disadvantages of legal determination of child custody and access and the need for alternative mechanisms are clear. We believe that conciliation and related counselling services could provide an effective alternative to a legal and judicial means of resolving issues of child custody and access for the majority of divorcing families.

Conciliation as an alternative to litigation. There is in fact substantial evidence of a strong link between conciliation and positive post-divorce relationships between both parents and their children: child custody and access resolution by means of conciliation is associated with a more co-operative attitude between parents, more regular contact between both parents and their children, and greater compliance with terms of negotiated agreements, including financial arrangements made outwith the arena of conciliation (Parkinson, 1987; also reported by the Conciliation Project Unit, 1989; Brotsky et al, 1988; Pearson and Thoennes, 1984; and Irving et al. 1981). By educating parents in the management of conflict and teaching them to communicate directly vis-a-vis their ongoing parental responsibilities, and by focusing on the parenting qualities and

potentialities of each partner rather than on previous marital discord, conciliation can set a tone conducive to a relatively harmonious post-divorce parental relationship; by providing an opportunity for each parent's needs to emerge and be accommodated during negotiations, it can facilitate the active involvement of both parents with their children after divorce.

Support for the effectiveness of the conciliation approach originates from three sources. The first is the social psychology literature concerning bargaining and negotiation (Deutsch, 1973; Rubin and Brown, 1975); the second from a handful of clinical projects, usually pilot conciliation counselling projects (Elkin, 1973; Lightman and Irving, 1976; Haynes, 1978): both of these, however, are primarily descriptive. The third (and most recent) source has provided empirical confirmation for the outcome effectiveness of conciliation counselling as an interventive strategy, either alone or in comparison to litigation. The Toronto Conciliation Project (Irving et al. 1981), a longitudinal study utilising a comparative research design with a random sample of divorcing couples, began operation in 1976. The results of their study indicate a number of major benefits of conciliation counselling over litigation: a substantial majority (70%) of parents successfully reached agreement in matters of custody, access and support; agreements reached through conciliation tended to endure--less than 10% returned to court at the one-year follow-up; parents consistently reported that conciliation counselling reduced conflict and emotional tension while simultaneously facilitating better communication and mutual understanding; by its combination of objective outcome (agreement) and subjective relief, conciliation was strongly associated with significant improvements in life circumstances and assured regular access and support payments being made; and conciliation counselling proved to be a cost-effective method of post-divorce dispute resolution. The findings of Irving et al have been corroborated by a number of North American studies, as mandatory conciliation has been introduced in several U.S. jurisdictions, providing researchers with a unique opportunity to examine its effectiveness (Brotsky et al, 1988; Kressel, 1987; Sprenkle and Storm, 1983). In surveys of British conciliation services, agreement rates of at least 75% have been consistently reported (Forster, 1982; Parkinson, 1983); again, agreements made during the course of conciliation counselling were seen as durable in the vast majority of cases and a strong correlation was noted between early contact and outcome. The Conciliation Project Unit (1989), examining the effectiveness of conciliation in Britain, distinguished between settlement rate (and the durability of settlement), improvement of communication between the parties and reduction of conflict, change in participants'

psychological well-being, and consumer satisfaction. They found that although conciliation interventions were highly variable, with differences in emphasis, length of the process, and conciliators' practice styles, users of conciliation services reported agreement on at least some of the issues dealt with in conciliation in 71% of cases, and 74% of these described themselves as satisfied with the agreements reached. A number of factors were found to critically contribute to the various dimensions of conciliation effectiveness, including the difficulty of the case, the range of issues undertaken, the content and location of conciliation, and whether or not other divorce-related issues were being dealt with by means of solicitor negotiation or litigation.

Although conciliation services are proliferating in Britain and North America, many questions remain to be resolved. What types of services--independent or court-based--are best suited to family/divorce-related issues? The issues of confidentiality and privilege in conciliation have provoked considerable debate--should conciliation be open or closed? Which divorce-related issues are best dealt with by conciliation, and which by more traditional legal approaches? Who should be the conciliators, and what practice standards and training criteria should guide their work? Is the comprehensive provision of conciliation services in fact more cost-effective than litigation, and what forms of public and/or private funding should be provided? Should conciliation be mandatory or voluntary, and in which specific instances is it contraindicated? Should conciliation adopt a neutralist or interventionist stance? Should it be therapeutically-oriented or structured strictly toward settling disputes? The answers to these and other questions generally remain unclear.

Throughout Britain and North America, there are currently wide variations in the structure, staffing, and working methods of conciliation (Parkinson, 1987). A useful distinction has been made by Ahier (1986) who identified four basic types of conciliation services in operation in Britain: independent voluntary schemes, probation service-based voluntary schemes, probation service-based schemes where probation officers conciliate as part of their welfare reporting duties, and in-court conciliation. The Conciliation Project Unit (1989) largely followed Ahler's classification in their distinction between conciliation services that are court-based with high judicial control, court-based with low judicial control, independent with probation control, and independent with no probation control. In North America, court-connected schemes co-exist with a plethora of private-sector programmes; McWhinney (1988) has identified three main vehicles for the delivery of conciliation services in Canada: the court system, the private sector, and social

service agencies. In both Britain and North America, the issues of who should provide the service and how should it be paid for are a source of considerable debate.

Various difficulties in relation to independent voluntary/private sector conciliation schemes have been identified. These services are highly dependent on local initiative and may either encounter perennial funding difficulties (as with many such schemes in Britain) or be available only to those who can afford it (as in many North American locales). There are also serious concerns about the issues of ethics and standards vis-a-vis voluntary schemes; the damage which might flow from inadequate and badly-run schemes, operating with unqualified staff under no official control, could be incalculable (Ahier, 1986).

Numerous concerns related to in-court conciliation services have also been noted, most recently by the Conciliation Project Unit. Primary among these is the danger of the conciliator reverting to an investigative, reporting, or adjudicative role in the event that conciliation is unsuccessful, thereby jeopardising the neutrality, confidentiality, and trust considered by many to be critical components of the conciliation process. If it is known in advance that the conciliator will be making a recommendation or will reveal information to a court, then the participants may either withhold information or attempt to convince the conciliator that their own positions are superior, thereby reducing the possibility of negotiation and co-operation (McIsaac, 1985). Further, the use of the conciliator as an "evaluator" may run the risk of inserting bias in favour of certain arrangements or imposing the conciliator's or judge's bias, which may override and negate the family's own decision (ibid).

The lower success rates of in-court schemes (Conciliation Project Unit, 1989) may be partly a result of the fact that referrals tend to be made at a later stage in the divorce process, subsequent to legal involvement. Further, the time constraints inherent in court referrals for conciliation puts undue pressure on the parties to "settle", often leaving them with major areas of disagreement. Conciliators in such settings may be tempted to short-circuit the negotiation process by encouraging recommendations when agreement is not reached in the short-term. It should be recognised that conciliation may require longer-term work; the true resolution of conflict and emotional difficulties requires a therapeutic approach often not possible within in-court schemes (Duryee, 1985).

Court-based conciliation does not take place in the "shadow of the law" but (literally) in the system casting the shadow (ibid): court conciliators' offices are sometimes adjacent to the courtroom itself. Parents may form strong, idiosyncratic notions of who the court-based conciliator is, which coalesce around an image of a

court "authority". The fathers in the present study had formed powerful notions in relation to the adversarial nature of the legal system; it is doubtful that they would have believed a court-based conciliator to be entirely neutral and non-adversarial. We would concur with the conclusion of the Conciliation Project Unit (1989) that the closer the association between conciliation and the legal system, the more difficult it may be for individuals to use conciliation productively.

A number of investigators have concluded that the role of the investigator/reporter and conciliator cannot be combined without the danger of contaminating the conciliation endeavor, that conciliators must assert the privilege not to testify in court concerning their clients, and that if conciliation fails, the "evaluation" role should be assumed by another professional to protect the confidentiality of the conciliation process. There are exceptions, however, to the confidentiality rule, such as cases of child abuse and the duty to warn potential victims of threats by clients (Ahler, 1986).

Among the most controversial legal and ethical issues in the practice of conciliation is whether or not communications made during conciliation sessions should be considered privileged and confidential. Those who favour an investigative/reporting function --allowing conciliators to report their observations and opinions to the courts--argue that it saves court resources by avoiding duplication of the fact-finding effort, and they challenge the notion that confidentiality is necessarily essential to the conciliator-client relationship. The opposed position would argue that the roles of the investigator/reporter and conciliator cannot be combined: allowing conciliators to assume a reporting function implicitly makes them agents of the court and gives them the power to influence the outcome of conciliation (Elwork and Smucker, 1988), thus contaminating the process. Opponents of this practice argue that it gives inordinate power to the conciliator, reduces parents' opportunity for self-determination and, in effect, turns conciliation into arbitration.

A survey of conciliators and parents involved in conciliation counselling (ibid) revealed a majority of respondents indicating that a conciliator should maintain communications during conciliation sessions as confidential and privileged information. To protect confidentiality, most U.S. jurisdictions with mandatory conciliation programmes have created such a privilege, with exceptions including cases of child abuse and neglect and the duty to warn potential victims of threats by clients, or when both parties consent to waive the privilege (Sideris, 1988; Ahler, 1986).

A host of issues related to conciliator training criteria and qualifications, and overall practice standards in conciliation, have yet to be fully resolved. "Who should mediate?" is one of the more pressing and difficult questions being asked in relation to professional conciliation. Any formal recognition, whether it involves registration, certification, or licensing, necessarily involves a set of criteria (not yet established) on the basis of which recognition would be granted. These criteria would involve either measures of competence or training requirements. These would need to be built on specific standards of practice which themselves would be based on an understanding of what conciliation is and procedures fundamental to its professional and ethical practice (McWhinney, 1988). In its progression from definition to standards to qualifications, professional conciliation is still considered to be in the first two stages (ibid).

Most writers recommend that mediators be knowledgeable in relevant legal aspects of divorce and custody, the psychological effects of divorce on family members, methods of dealing with strong emotions and maximising interpersonal communication, and skills specific to conciliation and negotiation. Studies surveying both conciliators and consumers (Elwork^{and Smucker}, 1988) have supported the policy of requiring conciliators to undergo specialised training in conciliation, which some North American jurisdictions have adopted. The great majority (93%) of North American conciliators have graduate-level professional degrees (ibid); most of these are mental health professionals, as opposed to solicitors (Sideris, 1980). Since conciliation involves an interdisciplinary blend of law and counselling, turf struggles exist. Solicitors have the legal training to "bargain in the shadow of the law," but mental health personnel are better equipped to handle the emotional issues and processes of divorce.

Conciliator qualifications have considerable bearing on the range of issues addressed in conciliation; who should conciliate is linked to the issue of what they should conciliate. Should property and support matters be fit subjects for conciliation, requiring an up-to-date knowledge of property law, tax regulations, and finance, or should conciliation be restricted to child custody and access issues, requiring a comprehensive knowledge of family dynamics and child development?

Most mental health conciliators are uncomfortable with dealing with financial issues which require legal knowledge, and tend to focus on custody and access (ibid). Most U.S. statutes confine conciliation to custody and access disputes; some allow consideration of property division, child support, or spousal support issues with the written consent of both parties or their solicitors.

Nevertheless, a number of reasons for including both financial and child-related issues in conciliation have been advanced. Some commentators believe that custody and financial issues are "inextricably linked," and that agreements on custody issues alone may not endure when the parties become aware of the financial implications. They further claim that conciliation may provide a better forum than the adversarial system for the resolution of financial issues.

Those who consider conciliation to be inappropriate for the settlement of financial issues of divorce argue that because issues of entitlement to property (both ownership and possessory rights), inter-spousal maintenance, and child support involve legal opinions normally beyond the training of the conciliator, such issues should be excluded from conciliation and, if they do arise, parents should be directed to seek legal assistance. A fundamental differentiation is made between these two types of post-divorce settlements: each is said to require a different approach, based on a different principle. Decisions over property and financial support have a substantial effect on both parents' ability to build a new life; the legal system plays a fundamental role in protecting the rights of each parent in this regard.

The role of the judicial system is critical vis-a-vis safeguarding women's vulnerable position in relation to the financial aspects of divorce. As we have seen, the structure of economic opportunity favours men; as men and women are differently situated in economic terms, the judicial system may be instrumental in equalising the imbalance after divorce--whether a mother has sole custody of her children or a joint custody arrangement has been negotiated. Joint custody proponents have suggested that if shared parenting after divorce is to be a success, the economic characteristics of the two households should be similar (in the quantity, quality and variety of clothing, toys and other possessions of children, the spatial arrangement of the household, and privacy-density dimensions). (A very common approach in joint custody arrangements is a division of child rearing expenses in a ratio proportionate to the parents' respective incomes.)

Part of the debate regarding conciliator qualifications is based on a lack of agreement on what role--therapist or negotiator--conciliators should play. Two distinct theoretical models of conciliation exist in this regard: the structured model constitutes a pure form of conciliation which is strictly rule-governed and limited to the systematic resolution of disputes, and is construed as being neither educative nor therapeutic, but simply a method of dispute resolution (Coogler, 1978); alternatively, the therapeutically-oriented approach allows for an educative as well as therapeutic function. The expectation that the conciliator be a mental health practitioner implies that conciliation has at least some of the characteristics of a

therapeutic process. Haynes (1981) sees his model of conciliation as being therapeutic and views personal growth and mutual understanding of the parties as an important goal; Milne (1978) believes that emotional issues are at the core of most custody disputes and that the conciliation process must focus on understanding the nature of these conflicts. The place of therapy in conciliation cannot be discussed, however, without first determining what is meant by "therapy." Some therapies--such as crisis intervention, structural family therapy, and brief problem-focused or task-centred therapy--may be highly congruent with conciliation, while others--such as long-term psychodynamic approaches--are not.

Given the two basic theoretical models, there are many variations in practice. Studies have shown that the great majority of both conciliators and parents feel that conciliation should contain a therapeutic element, allowing parents to express their feelings and having the conciliator take time to understand them, as well as an educative one: there is virtual unanimity in the need for conciliators to focus sessions on the needs of children, and to emphasise discussion of custody and access issues (Elwork and Smucker, 1988).

Most would agree that there should be an implicit ethical responsibility for the conciliator to influence a settlement that is in the "most adequate" if not "best interests" of the child. At the time of divorce, particularly in the midst of feelings of anger, bitterness and rejection, parents may be relatively insensitive to the needs and feelings of their children; parents frequently ascribe their own feelings to their children and are unaware of children's needs for continued, meaningful contact with both parents (Mitchell, 1985; Wallerstein and Kelly, 1980). In this regard, conciliators with expertise in the expected effects of divorce on children can be instrumental in helping parents to recognise the psychological, social and economic consequences of divorce on their children, take measures to provide comfort and appropriate understanding of their children, and, most critically, make arrangements conducive to their children maintaining meaningful, positive post-divorce relationships with both parents. Conciliators may be key figures in ameliorating the negative effects of divorce on children.

We would argue that the quality of post-divorce parenting available to children should guide the process of conciliation, not simply the need to reach agreement on disputed issues; conciliation should actively encourage parents to primarily consider the needs of their children in their negotiations over living arrangements after divorce. We would also urge greater attention to the durability of agreements and the necessity for parents to increase their ability to co-operate and negotiate with each other in relation to their ongoing parental responsibilities.

One of the most debated aspects of the role of conciliators is the extent to which they should actively shape the outcome of the agreement--should they take a neutralist or an interventionist role? Neutralist conciliators seek to avoid influencing the outcome of the negotiations and accept any decision the parents agree on that is not obviously harmful to either. The interventionist conciliator, on the other hand, is actively involved in shaping an agreement that is acceptable to both parents as well as to the conciliator's values of adequacy, fairness, and justice. Haynes (1981) and Blades (1984) assert the conciliator's task is to offer support to the divorcing couple as they work toward a resolution of their differences, but not to be involved in any decision-making; while Saposnek (1983) argues that conciliators have an obligation to protect the interests of all participants, especially those of the children, and in order to achieve this they need to take an active role in the decision-making process.

Most conciliators see their role as falling somewhere between these two extremes. Research has shown that a neutralist approach is generally favoured by both conciliators and consumers: conciliators should give suggestions, but encourage parents to make their own decisions (Elwork^{and Smucker}, 1988). It should be noted, however, that most consumers feel that conciliators should help their clients generate possible solutions to their conflicts, point out the possible costs and benefits to alternative arrangements, and help them weigh the consequences of their choices. At the same time they feel that conciliators should not actively advocate any particular position, whether it be their own or that of one of the parties (ibid).

The parents' capability for balanced negotiation is an important issue within the neutralist-interventionist debate. Situations of unequal power, knowledge, and functioning between the spouses pose major difficulties as conciliation, dependent upon the active participation of both spouses, requires a relatively balanced capability to negotiate between them. A major criticism relating to the displacement of legal resolution of divorce-related issues by conciliation counselling is that the "weaker" partner in a marriage is likely to be disadvantaged within the conciliation context (Fineman, 1988); conciliation may reinforce unequal power configurations between men and women. Concerns have been expressed about women being disadvantaged if they are less assertive, articulate, or informed than men; men may exploit a more informal process of negotiation by browbeating and bullying tactics, and women will lose the protection afforded them by the due process of law (Parkinson, 1987). Conversely, as our data would suggest, as the majority of divorces (separations) are initiated by women, who obtain sole custody of their children in the great majority of contested and uncontested cases, fathers may feel

themselves to have little power and support for striving to obtain a joint custody arrangement in the face of an assertive mother who declares that the children should be raised by her. How can a conciliator strive for "fairness" when dealing with a couple manifesting a power imbalance? If the conciliator does nothing to boost the power of the less-empowered spouse, an agreement could be forthcoming which might not be fair to the weaker spouse; if she or he attempts to empower one of the parties, her or his action may contradict the principle of neutrality. A related issue is that of the need for protection of unrepresented "clients" in conciliation--the children of the marriage.

A number of strategies to counter the problem of inequitable bargaining positions in conciliation have been advanced. Perlmutter (1985) suggests that each spouse may engage his or her own solicitor to examine the mediated agreement; if the solicitor identifies areas that appear to be unfair to the client, these should be brought back into conciliation. Engram and Markowitz (1985) propose the use of empowerment techniques: giving assistance to one of the parties so that both have equally-valued input into the decision-making process. The conciliator should not propose a solution; rather, empowerment should be seen as a way of enabling the parties to enrich their negotiations so that they better reflect their own and their children's needs--in using empowerment techniques, it is important for the conciliator to think about the possible hurtful consequences to all concerned. Others have suggested the use of co-conciliation, particularly by a male-female pair. Such pairing "may be able to balance inequalities of bargaining power and address underlying issues of gender roles without either parent feeling misunderstood or disadvantaged" (Parkinson, 1987:251). Working in a team helps conciliators "keep track of the unequal positions and discordant needs of each partner and their children, while exploring possible solutions (ibid).

The hidden agenda of using the conciliation process to obtain a favourable financial settlement upon divorce may lead a spouse without the ability (or desire) to take care of them to insist upon custody of the children. This contention, however, does not appear to be substantiated by research evidence. In interviews with both parents between 8 and 16 months after conciliation, financial issues were among the least-often reported factors that contributed to the breakdown of custody/access conciliation (Saposnek et al. 1984). Davis and Bader (1985) found that when conciliation deals exclusively with child-related issues and not negotiations over property, aliment and support, attention is focused primarily on children's needs and in fact reduces the risk of children being used as bargaining counters; if issues of custody and access and financial aspects are dealt with separately, in different

arenas, the danger of "trade offs" between the two is substantially reduced. Conciliation regarding child-related matters (custody and access), then, should take place in conjunction with legal advice to each party from solicitors dealing with the matter of property and finances.

From the perspective of the legal system, one of the most important issues raised by the advent of conciliation is the question of independent legal representation: how will the individual spouse be appraised of his or her rights and advised in securing them? Sideris (1988) suggests that even if solicitors do not attend actual conciliation sessions, they can play a role in reviewing conciliated agreements; such independent review may be an important safeguard against overreaching by one party. Some commentators maintain that conciliation deprives the parties of procedural due process; as Sideris points out, however, while conciliation may sometimes delay judicial action, the parties are not denied access to it, even in jurisdictions with mandatory programmes.

Perhaps the most highly contentious issue in the field of conciliation is that of mandatory versus voluntary conciliation. Proponents of voluntary conciliation believe that forcing divorcing couples to co-operate is antithetical to the spirit of conciliation. To coerce participants violates what is assumed to be an underlying mechanism of effective conciliation: the voluntary desire of the spouses to mediate their dispute. Further, parties not committed to mutual resolution of their problems can subvert the process. Those in favour of mandatory conciliation draw a distinction between process and outcome: while participation in the process of conciliation may be mandatory, the outcome of the process is not, and the spouses ultimately maintain control over the success of the process. It is further argued that voluntary programmes are woefully under-utilised, and that the public needs to be educated about conciliation; mandatory programmes expose couples to a valuable process they might otherwise not have chosen, or known about. Mandatory conciliation is not dependent upon advertising or word of mouth to attract clients.

Research data clearly suggest that not all cases are appropriate for conciliation; conciliation may be contraindicated where there is extreme hostility, violence, child abuse, psychopathology, or marked inequality of bargaining power. Most mandatory programmes in the U.S. have thus given courts the discretion to exclude some cases from the process.

Given the ideological feud within the conciliation literature, it is interesting to find that preliminary studies of existing mandatory programmes have been highly encouraging. Both Trost et al. (1988) and Pearson and Thoennes (1984), in their comparative surveys of mandatory and voluntary programmes, reported on the

relative benefits of mandatory schemes: agreement rates of mandatory programmes were well within those of voluntary programmes, a much larger number of divorcing couples successfully completed the process, the length of time it took couples to go through the divorce process was considerably decreased, and the great majority of participants (including both those reaching and not reaching agreement via conciliation) indicated agreement with the concept of mandatory conciliation.

A host of other issues pertinent to conciliation remain unresolved, and as noted, there are many variations in the practice of conciliation: there may be a sole conciliator, co-conciliator, or a conciliation team; the conciliator(s) may be from the mental health or legal professions, or from another discipline entirely; the conciliation may be accomplished within a set number of sessions or may be open-ended; the parties may be seen only together or sometimes together; the conciliation may be privately arranged or ordered by the court; when the issue under dispute is custody or access, the children may or may not be seen by the conciliator; and the conciliator may or may not be required to give evidence regarding the conciliation in subsequent court proceedings (McWhinney, 1988). Some of these variations are a straightforward matter of expedience and personal choice, some a matter of professional conviction, and some a matter of legislation; all are sources of considerable debate within the field of conciliation.

While these ideological debates and variations in practice continue, an increasing number of empirical investigations are beginning to clarify some of the essential questions relating to the process of conciliation. Findings from these and studies on the impact of divorce on children and parents may be compared to our data, from fathers' perspective, on the impact of divorce on non-custodial fathers. We thus present the following, based upon key findings in current divorce-related research and our own data, as our major recommendations regarding conciliation as an alternative to litigation:

1. Educative focus of conciliation vis-a-vis custody and access alternatives. In recognition of the fact that the positive post-divorce adjustment of children is associated with ongoing meaningful contact with both parents, and that from children's perspective, traditional sole custody arrangements with limited access to the non-custodial parent are woefully inadequate, a basic assumption of conciliation should be that termination of a marriage necessitates a restructuring of family life that enables children to have a meaningful and active relationship with both parents. In light of the fact that over 50% of non-custodial fathers disengage from their children's lives after divorce despite, as we have seen, disengaged fathers' relatively high levels of involvement with and emotional attachment to their children

during the marriage and desire for at least partial physical custody after divorce, the supportive maintenance of the father-child relationship in particular should be an important goal of conciliation. Specifically, conciliation counselling should facilitate the exploration of joint custody as a viable custodial arrangement.

While it is rare for courts and solicitors to deviate from precedent (sole maternal custody with limited paternal access), we believe that conciliation should offer broader possibilities, expanding the range of options in custody and access negotiation. Whether in practice conciliation challenges or reinforces gender inequality is, we believe, central to the conciliation debate; whereas the legal system reinforces prevailing structures of gender-based inequality, conciliation may seek to challenge traditional arrangements. If conciliation counselling does not exercise its educative function, stressing the necessity of regular and frequent post-divorce contact of both parents with their children, detailing the range of custody and access options open to families and, where appropriate, actively facilitating and working through the logistics of a shared parenting arrangement, it fails to live up to its true potential. Conciliation, we would argue, should not be simply a means of settling disputes, but a system of facilitating optimal post-divorce living arrangements for all family members.

We are supported in this recommendation by current research examining the link between conciliation and joint custody, which corroborate the findings of this study. Koopman et al (1984), in a comparative analysis of conciliated and non-conciliated child custody and access arrangements, where the goal of conciliation was to "restructure not break" families and to provide for the continuing post-divorce parenting of both parents, found that in 88% of the cases where conciliation was provided, parents chose the option of joint custody. The investigators concluded that the maternal custody arrangements prevalent in the non-conciliated arrangements (where no parents opted for joint custody) are "likely to be the result of societal traditions and expectations along with ignorance of the fact that parents have choices among a variety of potentially viable arrangements" (Koopman et al., 1984:23). They further found that when a comprehensive concern in conciliation for the "best interests of the family" (referring to the quality, quantity, and consistency of children's contact with both parents) is incorporated into conciliated agreements, the prognosis for compliance in all areas of child-related concerns--financial, educational, residential, medical, and relational--are enhanced (ibid:24). Brotsky et al. (1988) and Zimmelman et al. (1987) reported on a longitudinal study in California, where mandatory mediation is intended to encourage joint custody, of a conciliation model designed to assist parents in resolving custody and access disputes.

In addition to conciliation, the model combined group treatment, divorce counselling, and child assessment and play therapy/counselling; while the end result of the process was the development of a written parenting agreement, the process focused mainly on children's needs and experiences, reduction of hostility, and providing a model for and practice in problem-solving. The conciliation process was thus highly therapeutic, and conciliators also functioned as child advocates, guiding custody plans toward the specific needs of children. Results showed that of the 51 families in the project, 38 couples developed some form of joint custody agreement, 10 failed to reach an agreement (8 of whom returned to court), and 3 reconciled during or after conciliation. In a one-year follow-up, children and parents with joint custody arrangements demonstrated an improved adaptation to divorce and functioned at a higher level in all areas, as opposed to those in other custodial arrangements (Brotsky et al., 1988). Thus conciliation can be effectively used to reduce anxiety about joint custody and promote agreement in regard to post-divorce shared parenting arrangements.

In helping couples draft custody and access agreements, the conciliator has a unique opportunity to educate parents about the variety of options available and what impact these options will have on their own and their children's lives. A consideration of the pre-existing bond between parents and their children is crucial in this respect; examining the feasibility of joint custody arrangements in situations where both parents had developed attachment bonds with their children is likely to have a profound impact upon lowering the disengagement rates of fathers after divorce.

2. National conciliation service. Who, then, should provide the service and how should it be paid for? We support the recommendations of the Finer (1974) and Booth (1985) Committees in calling for the comprehensive provision of publicly-funded conciliation services, available to all segments of the population, and of the Conciliation Project Unit (1989) for a national conciliation service, with a uniform structure and set of standards throughout the country (in the case of Ontario, the province).

At present in Britain and Canada, there is no statutory service to which individuals can turn for professional advice in the realm of marriage and divorce. In calling for a new model of conciliation vis-a-vis the establishment of a national service, the Conciliation Project Unit recommends that "the conciliation service would be one part of a network of local services, independent of the courts and the probation service. The function of this network--which would be called 'The Family Advisory, Counselling and Conciliation Bureau'--would differ from that of existing

Independent conciliation in three important ways...It would transcend what is in practice the rather artificial boundary which currently exists between marriage guidance and conciliation agencies and would, in consequence, cater for a range of relationship difficulties...the agency would be multi-purpose and provide advice, counselling (for individuals, couples, children and other family members) and conciliation...The agency would fulfil an important educative function by providing centres at which advice and information regarding marriage, divorce, children and the legal system were readily available." From the point of view of the needs of non-custodial fathers, the availability of conciliation services at a local level as an integral part of a continuum of family- and divorce-related services would be an ideal arrangement. The fathers in our study spoke at length about the desirability of conciliation over litigation, but stressed that they had been unaware of the existence of such services at the time of the divorce. An agency providing a range of marriage, family, and divorce-related services (education and practical information, and therapeutic services on an individual, family, and group basis), self-help facilities, therapist training, and a research component under one roof, could become a community focal point for the delivery of direct services, the development of new methods of work and evaluation of existing approaches, and the dissemination of marriage, family, and divorce-related information. In the first stage of a family's contact with such a service, assessment interviews could be utilised to determine the mode of intervention most likely to be beneficial and for ascertaining the family's desires in relation to same. The range of programmes available would assure the needed flexibility as family members "worked through" the various stages of the divorce. Further, a community-based service would facilitate early intervention, as timing of conciliation counselling is crucial to its success: if counselling is provided early in the divorce process, it is more likely that a spirit of friendship and co-operation will survive the divorce (Irving et al. 1981). It would also allow a measure of flexibility not available within in-court services, not only in terms of the number of counselling sessions and the possibility of review of negotiated arrangements after a trial period, but of regular follow-up as modifications of the agreement became necessary, as well as progression to other forms of post-divorce counselling.

As recommended by the Conciliation Project Unit, we would suggest that conciliation remains independent of the judicial system: based on their reported sentiments about the legal system, the fathers in our study would most likely have questioned the neutrality of a court-connected facility. The Conciliation Project Unit, in finding that court-based services closely connected to the judicial process

are least successful, stressed that conciliation should become an alternative, not an adjunct, to litigation; it should not overlap with legal or other welfare processes.

The Finer Committee (1974) proposed that conciliation services should be provided under the auspices of a new family court. The Family Court would provide an integrated and unified jurisdiction in a single court over a variety of types of family problems (separation and divorce, custody and access, child neglect and abuse, fostering and adoption, and juvenile offences), and would operate largely on a fact-finding basis, but with full judicial powers. The call for the family court has been taken up by a number of bodies in both Britain and Canada.

A local family court could indeed provide accessible and inexpensive facilities for the settlement of a wide range of family legal issues. The proposal for a family court is, however, built upon the premise that the judicial system is the most appropriate agency for settling problems that arise from families under stress. In matters of child custody and access, we would challenge this premise; while we support the family court concept for those cases where conciliation is either contraindicated or unsuccessful, for the majority of divorcing families, we would ask: "Why courts at all?" If provision of a publicly-funded community-based national conciliation service is ensured, this question may well be a valid one.

The question of funding the new model proposed by the Conciliation Project Unit was not addressed in their report. McWhinney (1988), asking whether in the Canadian context such a service should be provided by the federal, provincial, or municipal governments (or some combination of the three), suggests providing conciliation services on a sliding-fee scale whereby the consumer pays for the service according to his or her means, while the service provider is paid the balance of the cost out of government funds (this system in fact operates in many Canadian social service agencies), or to tax marriage licences or divorce petitions as a means of funding (which exists in some U.S. jurisdictions).

A national conciliation service would need to be professionally managed, staffed by skilled conciliators, and operated on a full-time basis in suitable premises. It is suggested by the Conciliation Project Unit that "this could be achieved by some rationalisation of marriage guidance agencies and independent conciliation services, perhaps through an amalgamation of, or partnership between, Relate (the National Marriage Guidance Council) and the National Family Conciliation Council" (Conciliation Project Unit, 1989:364).

3. Conciliation and the legal system. Within the prevailing political climate in Britain in particular, the outlook for a network of publicly-funded out-of-court conciliation services is not very promising; government concern appears to be

concentrated on legal and cost-saving issues rather than the value and positive contribution of conciliation (reflected in the Lord Chancellor's Department 1983 Report of the Inter-departmental Committee on Conciliation). We would thus point to a number of a number of necessary changes within the legal system itself vis-a-vis custody and access resolution. Further, we do not consider conciliation counselling to be a panacea; it may be ineffective in some cases and inappropriate in others, for which legal determination is indicated.

Where conciliation services exist, either court-based or independent, courts should consider making conciliation mandatory in disputed cases of custody and access; an immediate referral could be made at the time of the initial court hearing when custody is desired by both parents. Thus the Booth Committee (1985) recommended that conciliation should become an integral part of court procedure in contested cases and that courts should adjourn such cases to allow conciliation to take place. While some would argue that the voluntary nature of conciliation is an essential characteristic of the process, we would agree with several commentators that the public needs exposure to conciliation, that the outcome of conciliation is voluntary even when the process is not, and that mandatory conciliation need not interfere with one's right of access to the legal process. Given strong research data demonstrating that conflict between parents is detrimental to children's well-being, an attempt to settle custody and access disputes amicably should be made. In U.S. jurisdictions where conciliation is mandatory, the service acts largely as a diversion from the potentially destructive experience of litigation. Outcome research has shown that on the average, only about 10% of such referrals go to investigation, and an even smaller number of those actually result in a full custody/access trial (Duryee, 1985).

We would suggest that the initial (interim custody) hearing should take place as soon as possible after the application is filed, and affidavits should not be allowed to be filed before the hearing. During the initial hearing, both parties would be able to present their proposed arrangements for their children, indicating their preference regarding custody and access along with relevant reasons for their position. Presumptive but rebuttable joint custody should guide the court's determination regarding children's living arrangements in the interim period before and during conciliation. If interim joint custody is not granted, the court should be aware of the necessity for continuing contact between both parents and their children in the critical period during divorce; unless otherwise indicated, maximum access for the non-custodial parent should be ensured. As we have seen, post-divorce parent-child relationship patterns are established and consolidated in the period

during divorce; immediate, regular and frequent access for the non-custodial parent is thus critical if contact is to be successful after divorce. When legal interim access orders are made, it is important for the court to make the terms of the arrangements explicit; determinations of "reasonable" access are strongly discouraged: parents appear to need specific guidelines and prescriptions at this time if access is to occur. Periods of overnight access are of particular importance to ensure ongoing contact, as is telephone contact. It should be emphasised, however, that an access order once specified is only "interim" and not immutable; it is modifiable with changing circumstances, and may be altered during the course of conciliation counselling. Legal aid provision, currently not available in Scotland to fathers who wish to apply for sole or joint custody against the wishes of their spouse, should be granted to parents regardless of their or their spouse's intentions in relation to custody and access.

Conciliation counselling may be inappropriate in some cases or in fact unsuccessful in assisting parents to reach an agreement regarding custody and access. There are contraindications to conciliation counselling: cases of physical and sexual child abuse or serious neglect, and situations where abused spouses are unable to contemplate negotiating with their former partner are generally considered to be inappropriate for conciliation; the option of legal proceedings regarding child custody and access in such cases is beyond dispute. We thus favour a procedure which permits courts to exclude such cases from conciliation.

In cases where parents are unable to negotiate terms of a settlement regarding custody and access via conciliation, the judicial system may remain as the only means to resolve such disputes. Again, we would recommend presumptive but rebuttable joint custody in such cases, in addition to reducing some of the non-essential formalities of the hearing and making a clear statement to the parties of the value and importance of their coming to an agreement at any stage of the litigation.

3. Therapeutic Implications : Divorced Fathers and Families

Mental health needs of divorced fathers. The present study has identified non-custodial divorced fathers, particularly those who have become disengaged from their children's lives, as a large and vulnerable population which we believe warrants closer therapeutic attention by the helping professions. Despite the recognition that fathers are an integral part of the families with whom therapeutic agents work in a variety of practice settings, fathers in general are largely

underrepresented as clientele in these settings. This is particularly pronounced in the case of non-custodial divorced fathers, who are very often excluded from therapy.

Existing clinical and research literature on men as fathers has described the lack of "fit" between fathers and therapeutic agents as emanating from two sources: the characteristics of men and fathers themselves (their resistance to counselling and therapy) and aspects of the therapeutic process (which have failed to successfully engage fathers) (Forster, 1987; Ambrose et al, 1983).

It has been suggested in the literature (see Chapter 3.1) that patterns of traditional gender-role socialisation, directing men toward self-sufficiency and control, independent problem-solving and emotional restraint, have largely worked against fathers being able to acknowledge personal difficulties and request help. The present study found that a fear of self-disclosure and a feeling of disloyalty to one's family in exposing family problems were common; a fear of losing control over one's life and the need to present an image of control or a "facade of coping" in the form of exterior calm, strength, and rationality, despite considerable inner turmoil, were described by a large number of fathers in our sample. Recent investigations of fathers' involvement in clinical settings have revealed that therapeutic agencies do not always consider such psychological obstacles to therapy and are rarely geared to meeting fathers' unique clinical needs. Fathers are often excluded from therapy partly because of a perceived lack of co-operation and partly because their apparent lack of interest is not questioned; therapists often accept a mother's assertion that a father is "not interested" in the child or in attending therapeutic sessions (Jordan, 1985). Therapists themselves are not immune from social expectations of how "reasonable" and "responsible" fathers ought to behave; the behaviour of fathers during divorce in particular can be completely at odds with these expectations, with actions and sentiments ranging from the worst excesses of male chauvinism to the pathetically helpless and "unmanly" (Forster, 1987). Many therapists simply do not acknowledge the extent of divorced fathers' difficulties, pointing to fathers' apparent freedom from responsibility after divorce, in contrast to the more visible difficulties experienced by their former wives and children (Foote, 1981).

The first step in meeting the mental health needs of divorced fathers, according to our findings, is to recognise that they are significantly affected by divorce and the threatened or actual loss of their children: this in particular occasions a grief reaction containing all of the major elements of bereavement; for many non-custodial fathers, chronic grief ensues, and problematic issues remain unresolved despite the passage of time. Secondly, it should be acknowledged that

fathers have a strong desire and need for regular and frequent contact with their children after divorce. For the great majority of non-custodial fathers, traditional access arrangements are woefully inadequate: fathers want and are prepared to assume physical care and control of their children after divorce; a shared custody arrangement is perceived as the optimal post-divorce living arrangement by a significant number of divorced fathers, particularly those who had a comparatively active role to play in their children's lives before divorce. Third, it should be recognised that powerful psychological and structural factors constrain fathers' post-divorce contact with their children; the combination of these strongly mitigate against an ongoing father-child relationship. Such recognition requires both a reassessment of prevailing assumptions and stereotypes on the part of clinicians, a reconsideration of traditional methods of intervention, and an active programme of outreach to engage non-custodial fathers in the therapeutic process.

The therapeutic process can be tailored to meet divorced fathers' individual therapeutic needs in a number of ways. In the present study fathers identified the need, in the initial and latter stages of divorce, for a combination of practical and concrete advice (specific guidelines about the options open to them and related legal procedures and practices) and emotional support. Fathers expressed a preference for a directive type of counselling with structured goal-setting and a pragmatic, problem-solving approach rather than one of emotional ventilation or in-depth exploration of dysfunctional family interactions; a stance, according to Blackie and Clark (1987), that reflects their orientation to public arenas characterised by the achievement of measurable goals. They were also, however, seeking an opportunity to talk about their feelings within a sympathetic, non-judgemental atmosphere with someone able to convey a genuine understanding of their experience of divorce. They spoke of others' lack of understanding and a general public hostility to their feelings of loss, depression, and victimisation. Discussion of such feelings should be encouraged for fathers in therapy, particularly of feelings behind fathers' overt anger. While fathers may present themselves in the therapeutic setting as primarily seeking concrete advice and direction, it is important for the therapist to encourage examination of the emotional impact of divorce on the father; the therapist should take the initiative to combat fathers' emotional inexpressiveness (Bowl, 1985) by demonstrating a genuine understanding of fathers' feelings, normalising the experience of having such intense emotions, stressing the importance of emotional expressiveness and reflective behaviour to those who tend to see problems and solutions in more concrete terms, and bolstering fathers' self-esteem and their sense of (parental) identity. Therapists should attempt to look

beyond fathers' initial defensive poses, their indirect or often uncooperative manner, or their "everything is fine" demeanour.

As part of exploring the emotional aspects of the divorce, the therapist's agenda should include a focus on the children of the marriage. The most salient loss for non-custodial fathers is that of their children and the pre-divorce father-child relationship: fathers' grief is directly and primarily linked with the absence of their children. "Child absence syndrome" has been identified in this context within the psychiatric literature:

"To systematise this important constellation of forces is to do no more (and no less) than what has been done for other unique stressors (for example, Holocaust Survivor Syndrome) because they are thought to require special education and sensitivity for their diagnosis, understanding, and more sophisticated management" (Jacobs, 1986:46)

After divorce, non-custodial fathers locate themselves at different points along the bereavement continuum, with some fathers able to arrive at a resolution of their grief while others remain "stuck" at an earlier stage of the grieving process. It should be noted, however, that chronic grief, involving intense and prolonged mourning and depression, is characteristic of those disengaged fathers previously highly involved with and attached to their children. Clinicians need to be aware that such depression is not always overtly manifested--a "facade of coping" or overt anger may mask a prevalent sense of loss and emotional distress; neither should therapists assume that fathers' grief becomes naturally resolved through the passage of time. Non-custodial fathers are overrepresented in studies of suicide, and clinicians need to be alert to the threat of such a measure. Fantasies of self-destruction are relatively common and should be distinguished from a real plan or an intense impulse to carry out such fantasies (Jacobs, 1986).

As divorce occasions a grief reaction for non-custodial fathers, linked to the loss of their children, bereavement counselling, in the form of giving fathers' "permission" to grieve, freeing them to grieve through reassurance that expressing feelings and "grieving" is a "normal" reaction, would appear to be an indicated form of therapy. It is our contention, however, that bereavement counselling in the traditional sense is not appropriate for non-custodial fathers, as the object of their grief is very much alive. Giving "permission to grieve", we would argue, is ethically supportable only if termination of the grieving process is foreseeable; the resolution of grief for disengaged fathers, however, is highly problematic and, we suspect, highly resistant to psychotherapy. Thus a number of fathers in our study commented on the unhelpful nature of traditional counselling services when they had

been sought; few felt that their grief could be resolved without reference to ways of resurrecting their relationship with their children.

The most pressing need for non-custodial fathers, particularly those highly involved with and attached to their children before divorce, is their continued meaningful involvement with their children. In this context we believe that in most cases clinicians have a professional responsibility to support the active involvement of non-custodial fathers in their children's lives; the primary treatment aspect should become the supportive maintenance of the father-child relationship. The clinical picture for fathers is most favourable if child absence does not become a reality, if fathers who had an active role to play in their children's lives can continue a satisfying and unthreatened parental relationship with their children. It significantly worsens if child absence becomes routinised.

Generally speaking, the role of the therapist vis-a-vis the non-custodial father should include an educative and advocacy component, with "non-custodial" status in itself being challenged as an appropriate post-divorce role for fathers. Fathers need to be fully informed both about alternative post-divorce custodial arrangements and alternatives to litigation in determining custody and access, empowered in relation to their continued relationship with their children, and helped to enhance their parenting and co-parenting skills during and after divorce.

Locating fathers. Within the present framework of services, divorced fathers rarely have knowledge of available formal supports, and they appear to experience considerable difficulty in making use of informal networks. Advertising of relevant support services for divorced individuals and families, in addition to the services themselves, needs to be more accessible to divorced fathers. The workplace may be one locale for providing and publicising information about the availability of local services, for distributing material on some of the more commonly experienced effects of divorce, and for providing opportunities for men to talk about their feelings and problems in a therapeutic milieu, both individually and in groups. As we have illustrated, divorced fathers' capacity for work can be drastically affected by divorce, and as such the provision of employee assistance programmes could be shown to benefit employers. In the workplace and other familiar contexts, it may well be possible to encourage men that it is healthy and appropriate to seek help in times of emotional distress.

Individual, family, and group counselling before, during and after divorce. Ideally, we would envision therapeutic services geared to individual fathers, families, and groups as provided within a comprehensive network of services located on a continuum from pre- to post-divorce counselling, including

pre-marital, marital, divorce, conciliation, and post-divorce counselling (see Section 2 of this chapter). Pre-marital education, focusing largely on the development of communication as well as parenting and co-parenting skills, should emphasise the desirability of parents relinquishing "traditional" norms and assuming joint responsibility for the care of their children and for household tasks (particularly when both continue in employment), and for the ongoing maintenance of the marital relationship. Such programmes can be highly preventative, not only in regard to the success of the marriage, but toward a successful outcome if divorce occurs; couples should be oriented to assume joint responsibility for not only parenting and the marriage, but for any disruptions that may occur, including divorce. Traditional marital counselling, based largely on psychodynamic methods, often does not meet the needs of fathers preferring a more directive and concrete approach. It is suggested that a task-centred casework model (Reid and Epstein, 1972) could provide a more suitable framework for engaging all family members in counselling. Such a model includes clear contracting between the therapist and client system, greater specification and articulation of the presenting problem, a purposive, goal-oriented format, and a programme for action, review, and evaluation within a clearly-delineated time-scale. As we have seen, despite fathers' initial reluctance to reflect upon emotional issues, when encouraged in appropriate ways within such a framework, they generally welcome the opportunity to examine their feelings and aspects of personal life.

As marital counselling has primarily (and often exclusively) been concerned with reconciliation, divorce counselling (very much in its infancy in Britain and Canada) may be considered as a therapeutic specialism with a distinct identity and function: the termination of the marital relationship. Focusing on elements that must be dealt with before conciliation can occur, it provides a forum for the redefinition of family roles and the restructuring of families after divorce, and for the clarification and redefinition of post-divorce family roles and responsibilities (Parkinson, 1985): that is, separating previous marital conflicts from ongoing parental responsibilities. As we have seen, the decision to divorce (separate) is rarely a mutual one (only 10% of cases in our sample); in 68% of cases in our sample, fathers reported that their wives had initiated the divorce. Divorce counselling can be instrumental in helping fathers (and mothers) to come to terms with the termination of the marriage and the loss of their marital identity, assisting with both intrapsychic and interpersonal issues. If either spouse has not come to terms with the divorce, this will impede efforts toward custody and access resolution. Divorce counselling may also be conducted by means of group therapy or

"Divorce Experience" courses, a more structured and task-oriented framework with a primary focus on problem-solving. Such programmes are excellent vehicles for presenting relevant information about the divorce experience: to help participants understand loss and the phases of loss, provide information about the social and legal aspects of divorce, and focus on the needs and feelings of children at different ages and stages of development. More therapeutically-oriented groups may provide a safe setting for reality testing and examining alternative ways of coping with problems and decisions, and facilitating insight, behaviour change, reduction of negative feelings and tension regarding marital dissolution, and increased feelings of competence and self-worth within an expanded range of post-divorce options.

Whatever custody and access arrangement a couple adopts, they will need help in making it work; in this context, post-divorce counselling can play an essential role. Particularly in situations where parents share the care of their children after divorce, individual, family or group support focused on validation of parents' experiences, difficulties inherent in going against the predominant pattern of sole custody, problems in day-to-day task performance, and the various adaptations and relationship changes resulting from divorce may be critical to the success of such arrangements. Post-divorce support groups may include both parents, who would be able to share experiences, coping patterns, and adaptive mechanisms in dealing with the stresses of child-care and home-making, discipline, and time management within a shared parenting arrangement; and joint custody fathers who, like single fathers, are "agents of their own socialisation".

Post-divorce counselling can also take the form of counselling of a longer-term, supportive nature for those parents experiencing continued difficulty with the termination of the marriage, setting boundaries between their previous marital difficulties and ongoing parental responsibilities--problems in building and maintaining emotional and territorial distance that interfere with leaving open channels of communication and a framework for negotiating child-rearing issues, meeting children's needs after divorce, and re-establishing themselves after one or both have remarried. Family therapy is yet another form of post-divorce counselling which should involve all members of the divorced family.

Self-help programmes. Fathers in our study indicated a strong desire for contact with other parents in similar situations to their own and the need for mutual-aid or self-help group programmes of both same-sex and mixed groups. Such groups present an opportunity to express feelings and share and contrast experiences and problems with "similar others" within a setting accepting of the reality of divorce, and variously provide companionship, support, guidance, and

confrontation. For divorced fathers in particular there is no sub-culture to use as a reference group for constructing and supporting their post-divorce role; our group of fathers felt that meeting with other such fathers may have been helpful in this regard. Some also indicated that exposure to such a mixed-sex group would have been beneficial in providing opportunities for confronting their feelings about their former spouse, as represented by female group members, learning new behaviours in heterosexual relationships, and challenging sex-role stereotypes and expectations.

While the organisation of self-help groups into lobbying or advocacy forces vis-a-vis policy-making bodies may be highly beneficial, as therapeutic resources their effects, without the guidance of a skilled (and less subjective) divorce therapist, may be counterproductive. A group of highly angry and bitter fathers, for example, in counselling a father to assume a more adversarial stance to protect his rights, may well escalate or create conflict and perhaps ultimately jeopardise his ongoing relationship with his children after divorce. The self-help group model typically does not include specific education, goal-directed counselling, or prescriptive therapy as part of its practices, and sole reliance on this type of support may be ultimately damaging.

Several fathers in the present study stated that they would have welcomed an early contact with another father who had "gone through" the experience of divorce. We would support such a provision, but preferably within a parent-professional "partnership" model; that is, a therapeutic pair of a divorced father (or mother) having "gone through" the process of divorce in a constructive fashion and a professional divorce therapist, skilled in interpersonal relationships and knowledgeable of relevant policy issues (and offering a broader view of the intricacies involved in any situation of divorce), jointly providing early intervention to divorcing individuals or couples. Such a partnership could provide a more balanced and objective view, and would be better able to provide a range of post-divorce alternatives to the individuals concerned.

Conjoint and family counselling. Ideally, the unit of treatment before, during and after divorce should be the entire family system. In marital and divorce counselling, conjoint counselling is the treatment of choice as individual counselling may cast the therapist in the role of catalyst of the divorce or judge. In individual counselling the danger of forming a therapeutic alliance with one partner before the other comes into sessions clearly exists, thereby increasing the likelihood of polarising the marital dyad and the possibility of an adversarial dissolution.

The case for conjoint marital and divorce counselling is strong: the reality of the cause of marital disruption is more likely to emerge as family transactions are

directly observed and rationalisations and distortions are less likely; communication between the spouses, which will be needed in the post-divorce situation vis-a-vis parenting arrangements, becomes a focus of therapy; countertransference and triangulation of the therapist vis-a-vis the marital conflict is less likely (the impulse to polarise is strong in individual counselling); and the possibility of reconciliation is increased.

In post-divorce counselling and family therapy, as continuing emotional connections exist between both parents and their children, the therapist needs to help the family redefine itself as including all family members, with children continuing to have two parents. However, conflicts inherent in "unfinished business" between the former spouses, as we have seen, threaten the establishment and maintenance of a post-divorce co-parenting relationship. Such dynamics are not visible or may be distorted unless all family members are seen together; inclusion of both parents in family therapy or post-divorce counselling can lead to improved relationships between the parents and ultimately improved parenting. In contrast to the position of some family therapists in treating the mother and children as a unit on the assumption that conjoint therapy would serve to reinforce antagonism between the former spouses, it is our belief that conjoint counselling after divorce is crucial to therapeutic effectiveness.

Conjoint counselling during and after divorce should primarily focus on helping both parents maintain meaningful relationships with their children and fostering parental co-operation in this regard. Assisting parents to separate their ongoing parenting responsibilities from residual marital issues and developing effective conflict-reducing mechanisms may necessitate any of a number of strategies: limiting the frequency of post-divorce contact between the former spouses in the form of fewer face-to-face encounters, teaching negotiation and planning skills, scheduling and co-ordination between the two households, the development of outside relationships, or counselling focused on acceptance of the divorce and the loss of one's marital identity.

The language of the therapist in conjoint counselling is crucial to its effectiveness. Concepts such as "custody" and "access", and the "custodial" and the "non-custodial" parent, can lead to an adversarial stance and impede the search for alternate solutions. Language should reflect a shift from "custody" or "ownership" of children to one of "shared parenting" after divorce (including the concept of two households, or "primary" and "secondary" residence). A fundamental shift in therapists' statements to families is thus required, away from concepts such as: "Your child needs one parent and one home base"; "He needs a familiar place and not

to be shuttled back and forth"; "A child should live with the mother and have frequent visiting with the father"; to: "Children need the two of you to work out their living schedules so that they're consistent and not confusing"; "Your child will feel more secure if he sees both of you a great deal and spends some overnights in both homes"; "She can spend more overnights with one of you, although she needs to be with the other a great deal of the time" (Foote, 1981). In his or her use of language, the therapist can actively reinforce a new conceptual way for divorced parents to think and act.

Finally, there remains the task of facilitating a divorced father's involvement in family therapy and post-divorce counselling, a forbidding one for many therapists. The outspoken opposition of many mothers becomes a major obstacle ("He won't come"; "He had no interest in the children even before the divorce"; "He doesn't pay support"), causing many practitioners to abandon attempts to bring it about (Jordan, 1985; Ambrose et al, 1983). An authoritative but reassuring stance on the part of the therapist is needed, with a clear exposition of the necessity of including all family members in therapy. Making contact with the father is best done directly rather than by telephone, as telephone contact does not allow the therapist to use the warmth and persuasiveness possible in a face-to-face encounter. It should be made clear to fathers that help is equally available to both, that decisions belong to the family and not the therapist, and that an understanding of the parents' different positions and points of view is essential to effective counselling. If and when both parents are successfully engaged, it is important to be alert to the danger of children's reconciliation fantasies; children should be informed at the start that no such wish can occur, with clarification of the actual purpose of therapy, stressing that parents do not have to be married to be concerned for their children's welfare in an active way.

Timing of counselling. As we have seen, divorce is both a crisis and a several-stage process for families. The crisis period during divorce (from the point of divorce to approximately six months after) is the optimal time for therapeutic intervention; the timing of counselling early in the divorcing process is crucial to its success.

The crisis period during divorce is profoundly stressful for all family members; according to crisis theory, individuals are more susceptible to external influences during such a period of disruption than one of relative equilibrium. Therapeutic intervention during crisis helps family members to regain equilibrium by changing their mode of coping or by changing other factors in the situation. The

period of disruption may thus be followed by a new, potentially improved adaptation which is qualitatively different from the one preceding it.

Divorce and conciliation counselling are most effective during the crisis period of divorce. There exists a fluidity in family relationships in the initial period of divorce (Wallerstein and Kelly, 1980), including the father-child relationship; post-divorce relationship patterns become established and consolidated during divorce, and diminished or disrupted fathering later becomes extremely difficult to modify. Therapeutic intervention is thus most effective while the father-child relationship is at its most malleable: the period immediately after divorce, as new relationship patterns are emerging.

Counselling should be readily available to families as the marital relationship declines and in the initial stages of divorce. Research has demonstrated that early intervention can be extremely effective in several areas: assisting parents in informing and supporting their children, based on an understanding of the varied responses of children at different ages and stages of development; preparing for economic, social and psychological changes; separating parenting responsibilities from marital issues; and setting up appropriate plans for the continued care of the children (Saposnek, 1983; Irving, 1980). Gratifying relationships between parents and children established and endured through the first six months of divorce hold the potential for remaining remarkably constant (Wallerstein and Kelly, 1980); counselling instituted after the first six months risks dealing with symptomatic behaviours and child alignments, and patterns that have become consolidated and are strongly defended. A delay in counselling also unnecessarily extends confusion and turmoil for family members.

Implications for clinical practice and training. According to Marsh (1987), the relative neglect of fathers by the social work and other helping professions is rooted historically in traditional practice models based on a variety of formulations characterising fathers as peripheral to parenting. Despite a more recent rethinking of traditional theories of child development and psychopathology, with new models of family therapy and task-centred casework pointing to the involvement of all family members in therapeutic practice, stereotypical assumptions remain widespread in relation to the non-custodial divorced father. Clinical practice with divorcing populations remains largely maternally-based, and therapists often collude with mothers' accounts of fathers' peripheral role during the marriage or lack of interest in their children after divorce. Fathers are extremely sensitive to such collusions, and as a result largely consider therapeutic intervention as unhelpful (Ambrose et al. 1983).

To successfully engage divorced fathers, an important target population for the helping professions, and thereby intervene more effectively with the divorced family system, clinicians must take the initiative in promoting post-divorce arrangements facilitating children's ongoing relationships with both of their parents after divorce.

The present study has important implications for clinical education. The prevalence of stereotypical assumptions and a lack of knowledge about the needs and experiences of non-custodial fathers calls for the development of more specialised knowledge about men, fathers, and the impact of divorce on non-custodial fathers. As the family system has come to be recognised as a primary unit for intervention, training and practice are required within the helping professions to meet the difficulties in engaging men, fathers and non-custodial fathers in therapy. Such specialised knowledge, it is argued, must not only be integrated into clinical core curricula, but calls for the institution of specialised courses in "Men's Studies" as an affirmative effort to fill the current gap in practice.

4. General Policy Implications

As we have seen, while fathers in two-parent families report extremely strong role attachments to their children and families, powerful structural and institutional constraints prevent them from actualising these in behaviour. Similarly, while divorced fathers desire at least partial physical custody of their children after divorce, these same constraints prevent them from obtaining it, relegating fathers to non-custodial status, a highly unsatisfactory role which does not auger well for the maintenance of their relationship with their children after divorce. At the same time, normative constraints reinforce traditional gender role divisions in terms of the primacy of "family work" for women and paid work for men.

To allow fathers to fully participate in family life, including the care and rearing of children before and after divorce, to facilitate a true sharing of parenting tasks and responsibilities, and to equalise life opportunities outside the family for men and women, a radical restructuring of a number of institutional frameworks is required, including those of government, judiciary, employment, welfare and education. The following are thus presented not as policy changes that we can hope to readily implement, but as directions for needed changes toward these long-term objectives.

Structures of employment. Current employment structures and practices strongly mediate against paternal participation in parenting and attempts to equalise family work tasks; to allow families the option of shared parenting during marriage and after divorce, the nature of employment and the material conditions of men's and women's lives need to be drastically altered. Specifically, two types of structural changes in the workplace are critical in this regard: the elimination of gender-based income differentials and occupational segregation, and changes in the nature of the work role itself (Brannen and Moss, 1987).

The structure of inequality in employment is such that wage discrimination almost invariably makes men's wages higher than women's, and occupational segregation significantly limits women's employment and career options. Both are powerful structural barriers to fathers' active involvement with their children before and after divorce; ending employment discrimination by ensuring jobs for women with adequate pay and status, with supportive legislation such as equal pay for work of comparable value, may be an important measure in promoting paternal participation.

Current employment practices and policies regarding the work role similarly affect the options of women and men vis-a-vis caring for their children and providing economically for their families. Changes on this level are needed to recognise and support the parental role of both mothers and fathers, and to facilitate their attempts to combine employment and parenthood. As discussed earlier, the actual amount of time spent working and the scheduling of work are consistently identified by fathers as inhibiting their participation in parenting tasks. The timing of career demands is such that the greatest work effort is generally required at the earlier stages of a father's work or career, when children are young and the demands of the parenting role are also at their peak (ibid). There is a relative unavailability of adequate part-time employment, as such positions tend to be clustered in lower-paying and lower-prestige jobs. Similarly, split work shifts, job share schemes, and flexible work schedules continue to be difficult to negotiate. Requirements for geographical mobility pose major problems, particularly for divorced fathers; relocation or frequent travel makes shared custody a largely unrealistic option.

Several measures can help fathers and mothers cope with the difficulties of balancing work and family commitments: the availability of decent part-time work without a loss of benefits, job share schemes, split work shifts, flexible working hours, shortened working weeks and work days, and the timing of career demands over the life cycle. The provision of parental leave and leave for family reasons have been shown to be particularly effective (ibid). Parental leave gives both mothers

and fathers the option of caring for their young children; both are entitled to stay at home for a period of time to take sole or principal charge of their child, with pay (Sweden currently provides twelve months leave, nine months paid at 90% of earnings, three months at a flat rate, available for each child until he or she reaches the age of four). Paternal take-up of the programme may be more likely if the payment fathers receive during the leave is not substantially below their usual earnings, the attitudes of employers and significant others are positive, and the option of parental leave on a part-time basis is available. In addition to parental leave, leave for family reasons entitles parents to time off for a specified number of days per year per child, for reasons such as to attend to children when ill, attend medical appointments with children, or visit other services such as child-care centres or schools (again, Sweden provides up to 60 days paid leave per year per child under twelve).

Rather than family life being shaped by the needs of employment structures, employment should be shaped to meet the requirements of family life; this can only be effected by public regulation of private employment institutions. Employment policies which assume that parents have an equal responsibility for their children, and which facilitate combining employment and parenthood, should be encouraged. The differences in the structural position of men and women in employment, however, need to be confronted first and foremost by legislation; structures of employment and economic opportunity favouring men are social realities that should be dealt with by government intervention in the first instance.

Child care facilities. Expanded public subsidies for adequate and affordable comprehensive child care are essential toward the equalisation of employment opportunities of women and men, and thus toward a more egalitarian division of parenting tasks and responsibilities during marriage and after divorce. While comprehensive child care programmes should be considered as primarily within the jurisdiction of government administrative policy, private employment structures may also be seen as having a responsibility in providing suitable workplace daycare, which could be funded on a cost-sharing basis. Another alternative may be the provision of pre-primary school programmes for children between two and five years of age, and more after-school programmes, a relatively cost-efficient means of providing high-quality care. The creation or expansion of such programmes would eliminate the artificial historical dichotomy between traditional child care programmes and pre-primary care.

Education : family life curricula. It is through the education system that family life curricula are taught at different stages. Such programmes should be

given higher priority than at present, be taught on a continuing basis from the point of entry through the primary and secondary levels, and include ongoing instruction in parenting and child-care skills, interpersonal relationships and communication skills, and the various types of family structures within which children find themselves.

The education system has an important role in promoting gender equality and ending traditional norms prescribing sex-segregated roles in the family and employment structures, in training pupils for both employment and parenthood. Educators must re-examine the ways that children are socialised in the school system; the elimination of sex-typing in textbooks and school curricula is critical. Early exposure should be provided to alternative "nurturing" male models of adulthood (who are sensitive, caring, and able to express their emotions), and male as well as female pupils should have the opportunity to develop affective and parenting capacities as they get older. Preparation for parenthood should be an essential component of family life education at all levels, focusing on infant and child care, child development, behaviour management, and domestic tasks; actual experience with infants and young children may become part of such a programme for older pupils. Preparation for marriage should include the development of communication and relationship skills, as well as training in problem-solving and conflict resolution in focusing on problems potentially inherent in married life.

The classroom remains a virtually untapped resource for providing divorce-oriented education to children and adolescents; the topic of divorce remains largely ignored in family life courses. Empathic skills can be taught to teachers and, with appropriate training, family life instructors could be able to offer a constructive programme of divorce education.

Teachers and educators need to avoid projecting a negative attitude toward children from divorced families, making certain they are not unduly singled out as "troubled" children. School administrators should be alert to policies regarding children and parents from divorced families developed from a "deviance" perspective, or from the assumption that the custodial parent is the only "legitimate" parent after divorce. Given the numbers of school children from divorced families, forthright, openly-stated policies for the involvement of parents in their children's education are necessary. Schools should not be placed in the position of having to mediate divorced parents' disagreements over access to children's educational records, teacher conferences or even to the children themselves. We would favour an "open disclosure" policy of relevant educational information to both parents, regardless of custodial status.

Education for parenting. The transition to parenthood is sudden, irrevocable, and generally preceded by little or no training, particularly for males. While the education system is the best forum to provide such training, until more comprehensive family life programmes are instituted, educational efforts directed toward the adult male population, with and without children, are urgently needed.

Psychoeducational programming for "emergent" fatherhood may be geared toward either consciousness-raising, attitude change, and goal clarification, or the teaching of specific parenting skills. "Consciousness-raising" educational efforts may be focused on various areas such as presenting "emergent" and nurturant images and models of fathers in parenting manuals and the media, challenging fathers' and employers' attitudes and beliefs about fathers' commitment to their work roles as their primary obligation to the family, and facilitating social acceptance of shared parenting family structures and of fathers who remain at home with their children. Similarly, a range of child care and child development instructional programmes are needed, both in hospitals and as community education initiatives, with target populations including expectant fathers, fathers of pre-school, school-age, and adult children, and divorced fathers.

Particular attention should be directed to the time of men's transition to parenthood and teaching fathers about their newborns, children's normal growth and development, how to promote that development, and how to fully and meaningfully exercise their new role as "fathers". Hospitals have a critical function in this regard; the provision of facilities for expectant fathers, guidance and education for expectant fathers, involvement of fathers in childbirth, the provision of live-in facilities for new fathers, post-partum instruction about child care, and involvement of fathers in all aspects of routine daily care for their newborns in hospital all serve to facilitate active paternal involvement in the future. Failure to make such provisions contributes to a father's feeling of peripherality at the earliest stages, and may well have negative repercussions on the later development of the father-child relationship.

CHAPTER 8

Summary and Conclusions

This final chapter comprises a summary of the major findings of the study, a list of specific recommendations based on the therapeutic and policy implications presented in Chapter 7, suggestions for further research, and a concluding statement, calling for a reconceptualisation of "divorced father", "divorced family" and "divorce".

1. Summary of Major Findings

This is a study of changes in the nature of the father-child relationship before, during and after divorce, from the perspective of non-custodial divorced fathers, addressing itself to one aspect--the disengagement of non-custodial fathers--of a generally recognised crisis--divorce--that has been left largely unexamined by the divorce research literature. While non-custodial fathers as a group and the process by which non-custodial status is achieved have been largely ignored in research, virtually absent in the professional literature is any detailed analysis of the disengagement of non-custodial fathers, a phenomenon affecting at least half of the non-custodial father population.

The present study has attempted to reverse the neglect of the divorced father by narrowing the focus from the "divorced father", concentrating on the **non-custodial** divorced father and, more specifically, the **disengaged** non-custodial father. Our primary objective has been twofold: to investigate the impact of divorce on non-custodial fathers generally, and to examine why such a large proportion of these fathers tend to lose all contact with their children. A holistic approach has been utilised in relation to these issues; the study stands at the interface between psychological and sociological explanations, utilising theories of attachment and loss from a psychological perspective and theories of gender and social inequality from a sociological level of analysis.

Major findings. As presented in Chapters 3 to 6, the major findings of the study are as follows:

1. *The majority of non-custodial fathers exhibit a grief reaction during divorce which contains all the major elements of bereavement, and this reaction is directly and primarily linked to the actual or threatened loss of their children after divorce (Chapter 3);*

2. *The maintenance of a meaningful post-divorce father-child relationship, involving at least partial physical custody, is what fathers ultimately desire; they attribute the discouragement and fundamentally adversarial approach of solicitors and the legal system as primarily responsible for their failure to obtain such an arrangement (Chapter 4);*

3. *There is a striking discontinuity between pre- and post-divorce father-child relationships, with fathers relatively highly involved with and attached to their children during the marriage more likely to lose contact with their children after divorce than fathers previously on the periphery of their children's lives (Chapter 5); and*

4. *The disengagement of non-custodial fathers after divorce is the result of a combination of structural constraints and their own psychological response to the loss of their children and the pre-divorce father-child relationship (Chapter 6).*

The study generated a profile of non-custodial divorced fathers, particularly those who had relatively high pre-divorce involvement with and attachment to their children, as a group highly at-risk, many remaining at a high level of chronic distress several years after divorce. Regardless of the intensity of the pre-divorce father-child relationship, however, non-custodial fathers go through a grieving process during divorce, and this grief is directly and primarily connected to the actual or threatened loss of their children, although there are significant differences in the course of grief work for fathers. This is a strong departure from previous formulations of the grieving process of the divorced as linked primarily to the loss of their marital identity. Three essential elements of fathers' grief reaction have been identified: child absence, the loss of the paternal role, and the constraints of the post-divorce "visiting" relationship on fathers and their children. Several months and years after divorce, different fathers locate themselves at quite different stages of the bereavement continuum: continued numbness, shock, and denial; anger, outrage, and mistrust; hopelessness and depression; or else acceptance, resolution, and perhaps relief. While some fathers continue mourning and become "stuck" along the continuum, others are able to successfully "work through" and resolve their grief; the latter are in fact those who manage to maintain regular contact with their children after divorce. It is felt that our first major finding is well supported by the data and the research design; fathers' responses clearly indicated a bereavement reaction corresponding to grieving processes identified in the literature. Theories of attachment and loss were instructive in our analysis.

Our second finding is concerned with fathers' experiences with solicitors and the legal system, and the discrepancy between fathers' stated desires regarding their post-divorce relationship with their children and the actual custody and access arrangements made. The maintenance of a meaningful post-divorce father-child relationship, involving at least partial physical custody (having their children live with them at least part of the time), is what fathers would like at the time of divorce; they attribute the discouragement of their solicitors and an unsympathetic legal system in regard to alternative child custody options as primarily responsible for their failure to obtain such an arrangement. Solicitors and the legal system are important mediators between fathers' initial expressed desires and what they finally obtain. This stands in sharp contrast to assertions of legal scholars that in awarding sole maternal custody in the great majority of cases, the judicial system merely ratifies previous "agreements" between the parties; that fathers are essentially not interested in the custody of their children. The absence of a legal contest over custody should not be assumed to accurately reflect fathers' desires. Fathers perceived the influence of solicitors and the judicial system on the subsequent father-child relationship to be highly negative, in exasperating or creating an adversarial climate between the spouses, thereby lessening fathers' chances of maintaining contact with their children, and in actively discouraging any possibility of child custody options that would facilitate an ongoing, meaningful post-divorce father-child relationship. Again, this finding is supported within the context of the present research design, and substantiated by existing socio-legal literature relating to legal appropriation of the custody and access determination process.

Our third major finding relates to the link between pre- and post-divorce father-child relationships. Wallerstein and Kelly (1980), utilising a clinical sample of divorced parents, found little association between the closeness of father-child relationships before and after divorce: the way in which a non-custodial father managed to define his post-divorce parenting role was not correlated with the nature of his pre-divorce role. Our results stand in contrast to those of Wallerstein and Kelly, yet diverge even further from what "common-sense" notions would lead us to believe: rather than there being no correlation between pre- and post-divorce father-child relationship patterns, there appears to be a strong inverse relationship; that is, those fathers describing themselves as having been relatively highly involved with and attached to their children and sharing in family work tasks

during the marriage were likely to lose contact with their children after divorce (the "disengaged" fathers in our sample), whereas those previously on the periphery of their children's lives were likely to remain in contact (our "contact" fathers). There are thus two major subgroups of non-custodial fathers and for each the

outcome of divorce in terms of their direct involvement with their children is diametrically opposed to pre-divorce patterns. The discovery of such an inverse relationship is a significant departure from previous assumptions that the ways in which fathers enact their parental roles before divorce will likely translate themselves to the post-divorce situation: if they were actively involved before the divorce they will remain so after, and vice versa. The key to our largely unexpected finding is linked to critical processes occurring in a relatively brief period of time during the initial stages of divorce. There is a critical period which strongly influences the nature of post-divorce father-child relationships: the transition period from the point of divorce to approximately six months after, a time when multiple stresses and adjustments impinge on all members of the divorcing family, legal processes have their greatest impact, and access patterns are established and consolidated, and subsequently become largely immutable. The previously less involved and attached father, faced with perhaps weekly or fortnightly contact with his children in a "visiting" relationship, finds that with sole responsibility for his children during this time, his fatherhood role may well be enhanced; whereas the highly attached and involved father, faced with markedly diminished contact and what he perceives to be rigid access arrangements, perhaps feeling threatened by a total loss of contact, faces a dramatic disentanglement from the daily routines of his former relationship with his children: a drastic reduction of contact and role loss which, over a period of time, translates to complete disengagement from the lives of his children. Thus while positive outcomes of divorce can occur for some non-custodial fathers, namely those previously less involved with and attached to their children who are subsequently able to enhance their relationship, previously involved and attached fathers are likely to subsequently lose contact, and are thus the most vulnerable and "at-risk" group of divorced fathers vis-a-vis chronic grieving and associated physical and mental health problems.

It should be noted, however, that while we are relatively confident regarding the reliability of our other major findings in the context of the research design of the study, we remain tentative about the status of our third finding which, we believe,

requires further research and examination before it can be firmly upheld. The finding of a discontinuity between pre- and post-divorce father-child relationships is particularly susceptible to the limitations surrounding the self-report and retrospective nature of the study. Specifically, it is not known whether disengaged fathers' reported levels of pre-divorce involvement with, attachment to, and influence on their children was heightened by their separation from them. The possibility that disengaged fathers may embellish the former relationship, subsequent to their loss of contact with their children, cannot be discounted.

Our fourth major finding directly addresses the issue of what causes (previously highly attached and involved) fathers to disengage from their children's lives. It was found that non-custodial fathers' disengagement from their children after divorce is the result of a combination of structural constraints and their own psychological response to the loss of their children and the pre-divorce father-child relationship. Any examination of the phenomenon of disengagement, then, must stand at the interface between sociological and psychological explanations.

We have outlined what we consider to be the salient structural and economic conditions that give rise to traditional post-divorce family structures. The judicial system, as an institution of interventive control, has an important role to play in maintaining and legitimising traditional structures of inequality, perpetuating a gender-based division of roles in the family and workplace. Its influence works through prescriptions and proscriptions, incentives and disincentives, reinforcing the primacy of paid work for men and of family work for women; thus we see a consistent pattern of decisions that both justify and reinforce a maternal presumption. This judicially-constructed preference has operated as effectively as a statutory directive, sanctioning and preserving fundamental gender-based inequalities in the post-divorce family, and strongly influencing societal norms to the extent that sole maternal custody has come to be perceived as the only available option by most divorcing families.

The consequences of divorce for fathers--child absence, role loss, and the constraints of the "visiting" relationship--are thus determined by prevailing structural conditions and the workings of the judicial system. Individual father's adaptations to these consequences are the other half of the equation in relation to contact / disengagement.. Adaptation to child absence, role loss, and the constraints of the "visiting" relationship is most problematic for those fathers previously

highly involved with and attached to their children; restricted access following a highly attached and involved relationship with much emotional investment is tantamount to a complete loss of the relationship for these fathers. The perspective of attachment theory makes the relationship between the consequences of divorce and disengagement clear: those fathers most attached to their children before divorce are most likely to suffer the negative effects of the loss or absence of their children and their fathering role; reactions of intense grieving, characteristic of these fathers, are strong predictors of poor outcome.

The identification of structural and psychological factors as contributing to the disengagement of non-custodial fathers is a radical departure from previous formulations based largely on assumptions about divorced fathers as either incapable or inferior caretakers of their children, or not wanting to be involved in their children's lives after divorce, and as not particularly distressed over their "decision" to sever contact. Fathers in general are neither emotionally removed from nor disinterested in their children during marriage or after divorce. The great majority of divorcing fathers want at least partial physical custody of their children after divorce. During divorce, fathers without custody of their children experience a grief reaction, related to the loss of their children and the pre-divorce father-child relationship, which is particularly intense for those with previously intense attachments; the most severely affected subsequently lose all contact with their children.

We may be reasonably confident about the reliability of our fourth major finding within the context of our research design. Both structural and psychological variables are inculcated as significant mediating factors between divorce and disengagement: on their own, each is insufficient to effect disengagement; combined, they are a potent force mitigating against an ongoing meaningful father-child relationship.

We found very few differences between the Scottish and Ontario sub-samples in relation to all of the above patterns and relationships. While significant differences between the two populations may have made our analysis richer, our finding of a lack of such differences in relation to all key variables has allowed us to present our data with greater confidence than would otherwise have been the case. The lack of observed differences between the two subgroups indicates a measure of universality of the impact of divorce on non-custodial fathers; the striking

117
differences between contact and disengaged fathers in both locales suggests a similar universality in relation to the phenomenon of disengagement.

Again, it must be acknowledged that our findings are based upon information obtained from the perspective of non-custodial fathers only; their wives or children were not interviewed to corroborate this data. In light of the lacuna in the literature vis-a-vis the non-custodial and disengaged father, however, a case may be made for the value and validity of such "father-centred" research. There exists, further, a considerable body of research which has accumulated in recent years concerning the impact of divorce on children and parents. The main findings of this study may be seen to confirm and supplement important research findings elsewhere. In our exposition of a perspective hitherto missing, efforts have been made to identify the significant links and parallels to existing literature, as well as important points of divergence; on balance, we feel our findings largely complement those of current divorce research from a mental health and family "systems" perspective.

25

2. List of Specific Recommendations

Our recommendations are divided into those that address themselves to the psychological effects of divorce (therapeutic) and those that are concerned with structural changes (policy). This division, however, is a loose one; these recommendations, based on the therapeutic and policy implications of the study discussed in Chapter 7, are highly interrelated and are intended to be received as a "package" rather than as isolated guidelines.

Guiding our formulation is a view of divorce not from a "deviance" perspective, but as a crisis that can be dealt with and a means for achieving growth. Such growth, it is suggested, may best be supported by allowing parents alternative custodial choices to ensure the active involvement of both in their children's lives after divorce, and self-determination in making these choices; our primary recommendation, then, calls for a joint sharing of physical care and control of children between parents after divorce and the resolution of issues of child custody and access by means of conciliation, within a non-judicial arena.

Our specific recommendations, pertaining to both the therapeutic and social policy implications of the present study, are as follows:

1. Divorced fathers' needs in counselling and therapy. The therapeutic process should be tailored to meet divorced fathers' individual therapeutic needs; specifically, a combination of practical and concrete advice and emotional support, particularly in relation to the father-child relationship, should be offered within a problem-solving approach such as task-centred casework. The therapist should take the initiative to combat male inexpressiveness by demonstrating a genuine understanding and normalising the experience of having intense emotions such as abandonment, anger, guilt, loneliness, and grief; and should focus primarily on the children of the marriage, as the most salient issue for non-custodial fathers is the threatened or actual loss of their children after divorce.

2. Educative and advocacy function of therapy. While non-custodial fathers go through a grieving process upon divorce, traditional bereavement counselling may be inappropriate, as the object of fathers' grief is very much alive. For those disengaged fathers who were previously highly involved with and attached to their children, chronic grief ensues; for these fathers, the resolution of grief is problematic, even with intensive therapeutic support, if they have no continuing contact with their children. Generally speaking, clinicians' primary responsibility should be to support the active post-divorce involvement of the non-custodial father in the lives of his children; the primary treatment aspect should be the supportive maintenance of the father-child relationship. The role of the therapist in this context should include education, with "non-custodial" status in itself being challenged as an appropriate post-divorce role for fathers; advocacy, empowering fathers in relation to their continued relationship with their children; and facilitation, helping fathers to enhance their parenting and co-parenting skills during and after divorce.

3. Clinical education and training. The development of more specialised knowledge about men, fathers, and the impact of divorce on fathers is needed if the helping professions are to confront the problem of engaging men, fathers, and divorced fathers in therapy. Specialised training is required both for practising therapists and within professional education; specialised knowledge about men and fathers should not only be integrated into core clinical curricula, but specialist courses in "Men's Studies" should be established as an affirmative effort to fill the current gap in practice.

4. Focus on the family system. The preferred treatment modality vis-a-vis family and divorce-related counselling, including pre-marital, marital, family, divorce, conciliation, and post-divorce counselling, should be the couple or family. There should be an active outreach at all stages to fathers in particular, who traditionally have not been successfully engaged in the therapeutic endeavour.

5. Timing of intervention. The critical period during divorce (from the point of divorce to approximately six months after) is the optimal time for therapeutic intervention; the timing of counselling early in the divorce process is crucial to its success. There is a fluidity in family relationships in the initial period of divorce before new parenting patterns become established and consolidated and are later extremely difficult to modify; further, during periods of crisis individuals and families are more susceptible to external influences than during periods of relative equilibrium. Early intervention is crucial to sensitise parents to the impact of divorce on children and children's needs during and after divorce.

6. Self-help programmes. The expansion of community mutual aid or self-help programmes for divorced individuals and families to provide an opportunity to express feelings and share and contrast experiences and problems with "similar others" is needed; where such programmes are therapeutically-oriented, however,

the guidance of a professional divorce therapist is essential. We would further caution against individual counselling by divorced lay counsellors, as opposed to a "partnership" model consisting of a parent having "gone through" the process of divorce in a constructive fashion teamed with a professional divorce therapist skilled in interpersonal relationships and knowledgeable in relation to relevant policy issues.

7. National conciliation service / non-court-based conciliation. As recommended by the Conciliation Project Unit (1989), a national conciliation service should be an integral part of a network of local bureaus providing a continuum of marriage- and divorce-related counselling services. To ensure conciliator neutrality and confidentiality in the conciliation process, and to more successfully engage family members in the conciliation endeavor, we believe that conciliation should be an alternative, not an adjunct, to the judicial system.

8. Focus of conciliation. Conciliation counselling should deal exclusively with issues of child custody and access and not negotiations over property, aliment, and support, which involve legal opinions beyond the training of the conciliator; issues of custody and access and financial aspects of divorce should be kept separate and negotiated within separate contexts. The involvement of the legal system is crucial during and after divorce in safeguarding the rights and interests of both parties in relation to financial matters.

9. Therapeutic aspect of conciliation counselling. Although conciliation counselling is not psychotherapy per se, it is a therapeutic process primarily concerned with the mental health needs of children and families and the emotional aspects of divorce, requiring the utilisation of therapeutic skills (in addition to those of negotiation) throughout the process. As such we consider conciliation counselling as most appropriately within the bailiwick of mental health practitioners rather than solicitors; conciliation counselling should go beyond simply settling matters of dispute.

10. Conciliation counselling and joint custody. Conciliation counselling is in a unique position to expand the range of post-divorce options for families in relation to child custody and access. The supportive maintenance of the father-child relationship in particular should be a primary focus of conciliation, and in light of research evidence demonstrating the salutary effects of the active involvement of both parents in their children's lives after divorce, shared parenting arrangements should be encouraged in the majority of cases. Conciliation should thus have an educative and facilitative function, exploring the feasibility of a range of post-divorce custody and access alternatives and, where appropriate, helping parents to work through the logistics of a shared parenting arrangement.

11. Mandatory conciliation counselling / contraindications to conciliation. Where conciliation counselling services exist, courts should make conciliation mandatory in disputed cases of child custody and access; an immediate referral for conciliation should be made at the time of the initial hearing. Interim custody and access arrangements should normally ensure that there is continuity of contact between each parent and the children during the interim period. In cases where conciliation counselling is unsuccessful or inappropriate (as in cases of physical and sexual child abuse or serious neglect, and physically abused spouses who are unable to contemplate negotiating with their former partners), the option of legal proceedings regarding custody and access must be ensured.

12. Presumptive but rebuttable joint custody / contraindications to joint custody. A more stringent definition of "joint custody", including both legal (de jure) and physical (de facto) joint custody, in which parents equally share authority for decision-making in all important areas of a child's life and divide child-care on an equitable basis (or, at its most discrepant, into a two-to-one split), is required. Cases where joint custody would not apply include the abuse, neglect, or exploitation of the child by either of the parents, the physical or psychological incapacity of a parent, chronic alcoholism or drug addiction, proven disinterest in caring for the child, or where parents jointly agree to a sole custody arrangement.

13. Employment policies and legislation. In reference to more global structural changes necessary to make shared parenting a practical option for families, the elimination of gender-based income differentials and occupational segregation, and changes in the nature of the work role are critical. In regard to the former, ensuring jobs for women with adequate pay and status with supportive legislation such as equal pay for work of equal value is required. Both women and men who choose to stay at home with their children should not be penalised, but provided with adequate benefits reflecting the notion of child care and child rearing as one of many career alternatives. In regard to the work role itself, the amount of time spent working and the scheduling of work should be modified by legislation to allow parents to adequately fulfil their parental roles while working outside the home. Specific measures, particularly for parents of younger children, may include the provision of decent part-time work without a loss of benefits, job share schemes, split work shifts, flexible working hours, and shortened work weeks and work days. The introduction of adequate parental leave and leave for family reasons are particularly needed.

14. Child care facilities. Expanded public subsidies for adequate and affordable comprehensive child care are essential toward the equalisation of employment opportunities and the egalitarian division of parenting responsibilities for men and women.

15. Education: family life curricula. Instruction in parenting and child care skills (preparation for parenthood), interpersonal relationships and communication skills (preparation for marriage), and various types of family structures within which children find themselves (including divorce-oriented education) should be provided on a continuing basis in family life courses. The education system also has an important role to play in promoting gender equality and the breakdown of traditional norms prescribing sex-segregated roles in the family and employment.

16. Parenting education for fathers. Finally, psychoeducational programmes for active fatherhood to assist fathers' transition to parenthood may be geared toward either consciousness-raising, attitude change and goal clarification, or the teaching of specific parenting skills, both in hospitals and as community education programmes.

3. Suggestions for Further Research

Our recommendations for further research pertain to a number of clinical practice and social policy concerns. As others have noted, both fatherhood and divorce research in general need greater refinement of their definitions, operationalisation, and measurements, and should move beyond description toward more sophisticated methodological designs leading to theory-testing and theory-building. Comparative and correlational, micro and macro, and inductive and deductive studies by researchers representing a range of disciplines are needed; collaborative interdisciplinary studies should be encouraged. Less post-hoc and more longitudinal studies would provide a better understanding of the life-course events of fathers and other family members, and a way of untangling the causes and short- and long-term effects of divorce. All potential sampling biases should be carefully considered, including the effects of retrospection, lack of control groups, self-report data, and self-selected samples. These limitations are endemic to existing research on divorced fathers, as this target population is rarely considered a research priority, and access to this group is often problematic.

We consider the following as worthy of future research consideration:

1. *Long-term follow-up of non-custodial and disengaged fathers is needed to determine the longer-term effects of divorce on fathers. Does the chronic grief of disengaged fathers continue in the long-term or are these fathers eventually able to develop a self-identity separate from their children, leading to a more positive outcome? The present study was restricted to fathers separated less than six years; in Scotland, however, a number of older fathers of adult children, who had not seen their children for an extended period of time, volunteered to be interviewed. For many of these fathers, the knowledge that they had recently become grandparents, combined with an ongoing lack of contact, was particularly painful; our eligibility criteria, however, excluded them as respondents. Follow-up of non-custodial divorced fathers beyond our six-year limit would add further to our knowledge of these fathers.*

2. *Existing studies of the impact of divorce on family members are most often restricted to the perspective of only one of the three main parties to the divorce: mothers, fathers, or children. A central limitation of the present study is the self-report nature of the data. Problems can arise from uncritical reliance on such data; we had to be particularly alert to fathers' tendencies to under-estimate their own role in their disengagement from their children after divorce. Corroborative information from other members of the divorced family system could add significantly to the validity of the presented findings.*

3. *Our study was restricted to fathers who had been legally married and to the children of that marriage; research on the impact of divorce on non-custodial fathers of children born out of wedlock and the special problems of unmarried "divorced" fathers is also needed. Again, several such fathers in Scotland volunteered for our study but were excluded on the basis of eligibility criteria. The special difficulties of gay non-custodial fathers also merit particular research*

attention; we were able to reach only a very small number of such men and our questionnaire was not particularly focused on their unique problems.

4. Similarly, the particular difficulties and needs of non-custodial divorced mothers call for special research attention. While their experiences may be similar to those of non-custodial fathers, the stigma attached to the "non-custodial" status of mothers in particular and the relative isolation of such mothers point to different and in some respects perhaps more complex problems.

5. The impact of divorce on "non-custodial" grandparents and other extended family members which were formerly an integral part of a child's kinship network needs examination. Divorce not only affects the immediate family but in producing a non-custodial parent, threatens wider relationships: children's relationships with grandparents, uncles and aunts are also at risk. Such attachments can be highly significant, not only before divorce but after, as the extended family represents an important support system that can mitigate some of the negative effects of divorce for children.

6. The issue of the remarriage of non-custodial fathers has not been sufficiently explored in the present study, as only 9 of the 80 non-custodial fathers in our sample were remarried, too limited a number to allow us to draw strong conclusions. What are the effects of the remarriage of the father, mother, or both on subsequent paternal contact? While we observed little difference between the 9 fathers who had remarried and the 71 who had not, there have been suggestions in the literature that non-custodial fathers' remarriage (and that of the custodial mother) may be a significant factor in fathers' disengagement from their children. This issue has not been sufficiently examined by research, nor have there been any systematic studies of alternative custodial arrangements (including joint custody) that follow the former spouses into remarriage. The role of step-parents vis-a-vis the non-custodial parent-child relationship also warrants attention.

7. In the therapeutic realm, the problems of engaging men and fathers in therapy and, more specifically, the issue of the gender of the therapist(s) working with divorcing and divorced fathers and families have not been adequately examined. Engaging men and fathers in therapy is a task of paramount importance to the helping professions; the issue of the gender of the therapist may be a critical factor in this context. Do men find it easier to talk with male or female therapists in regard to certain types of issues? What types of therapeutic strategies are conducive to engaging and keeping men in therapy?

8. Issues of culture and the differential approaches of working with divorced fathers and families from different socio-cultural backgrounds have been largely neglected in divorce research. While our Ontario sample of divorced fathers in particular was comprised of fathers from a range of socio-cultural milieus, we were not able to isolate ethnicity as an independent variable in our analysis of the impact of divorce on non-custodial fathers. The event of divorce has radically different meanings to individuals according to cultural context within which they are placed; for example, expressions of denial, anger, bargaining or depression may vary according to one's cultural orientation toward separation. Family dynamics, child rearing values, communication styles, problem-solving strategies, and coping mechanisms do not exist in a cultural vacuum; divorce research focused on particular cultural subgroups may be particularly valuable. In regard to issues of custody/access and dispute resolution, in some cultures the idea of joint custody may not only be a foreign concept but may also be viewed as a major threat to the integrity of that culture's core values; in some cultures, conciliatory approaches

are viewed as very natural for resolving conflict, whereas in others compromise may be regarded as a sign of weakness.

9. At present, there exists a plethora of largely uncoordinated statutory, voluntary, and private agencies and self-help groups serving the divorcing and divorced family population, along with a range of counselling and therapeutic approaches. Few such programmes and models of intervention include a research component; evaluation research, however, is critical as the "divorce industry" continues to expand at an unparalleled rate. Models of conciliation counselling in particular are quite varied; special research attention should be focused on the efficacy of the various types of models currently in operation.

10. The question of how various dimensions of the custody and access determination process (i.e. from legal resolution to conciliation counselling) affect actual post-divorce custody and access arrangements needs to be further addressed. While the present study partly confronted this in examining the link between legal determination and sole maternal custody, of remaining interest is the nature of the association between various models of conciliation counselling and the adoption of joint custody after divorce. Are conciliation services educating parents and actively promoting post-divorce arrangements that maximise each parent's contact with his or her children? To what extent have different models of conciliation been effective in promoting co-operation between former spouses vis-a-vis their ongoing parental responsibilities after divorce?

11. Further systematic research on how joint custody arrangements are negotiated and sustained or, conversely, undermined, in regard to individual, family, and social network variables is required. What are the critical psychological variables predisposing parents to consider an arrangement of joint custody? To what extent do informal social networks (extended family and friends) support or undermine joint custody and alternative post-divorce custody and access arrangements?

12. Similarly, further research on how joint custody arrangements are sustained or undermined in regard to structural variables is needed. To what extent do various employment policies and practices support or undermine joint custody and alternative post-divorce custody and access arrangements? The present study has focused on the role of the judicial system vis-a-vis fathers in promoting traditional arrangements; a more thorough examination is needed in detailing the experiences of both parents with solicitors and the legal system vis-a-vis alternative post-divorce custody and access arrangements.

13. We have described how, from the point of view of non-custodial divorced fathers, joint legal custody is considered to be required for the proper operation of joint physical custody. The exact nature of the link between the two has not been systematically examined, however: does joint physical custody in fact require joint legal custody as a condition of its success?

14. Children's post-divorce adjustment is linked to a co-operative and supportive relationship between parents in relation to their ongoing parental roles, which in turn appear to be linked to parents' ability to separate previous marital conflicts from future parenting responsibilities. In reference to joint custody counselling, further research is needed to determine which specific therapeutic strategies and techniques are most effective in promoting systems of cooperative parenting during and after divorce.

15. In light of the many variations of joint custody arrangements and schedules, further research is needed to examine the differential patterns of children's alternations between homes, including the duration of stays with each parent and the frequency of alternations. Relatively little is known about the effects of specific scheduling patterns on children of different ages and on parents themselves.

16. Finally, the exact nature of the effects of government and employment policies on men as fathers requires clarification. The impact of schemes such as parental leave, leave for family reasons, part-time work, job share, flexible working hours, and shortened work weeks and work days, as well as legislation to curb wage discrimination and occupational segregation, should be carefully monitored from both a domestic and international perspective in determining their effects on the "father" role and informing the development of new programmes and initiatives.

4. Conclusion

Reconceptualising "the divorced father". Conceptualisations of men as primarily bound to the sphere of employment and women to the realm of the family as characteristic of all fathers and mothers deny the existence of a heterogeneity of "fathering" and "mothering" roles in families, and of the sentiments, values, attachments, and behaviours revealed by the fathers in this study. The empirical evidence that men are as capable as women of loving and nurturing relationships with their children, that children form powerful attachment bonds with both of their parents, and that strong father-child relationships create richer possibilities for children's development, all stand in sharp contrast to earlier declarations that the mother-child relationship should not be disturbed by anyone or any other activity. The development of attachment bonds between parents and their children is determined primarily by the quality rather than the quantity of care; although the quantity and nature of parent-child interactions are generally not equivalent between fathers and mothers, there is no evidence that maternal bonds are necessarily stronger or of a different quality than paternal attachments.

Despite a variety of levels of direct involvement among fathers with their children, fathers' lives generally contain greater attachments to and are more profoundly affected by fatherhood than is usually assumed. When fathers are committed to a continuing affective relationship with their children, the event of divorce can have disastrous consequences in the form of child absence: the actual or threatened loss of one's children and the pre-divorce father-child relationship. Such fathers, facing divorce, desperately want to maintain a meaningful relationship with their children; the nature of traditional custody and access arrangements, however, prohibit such a relationship. For these fathers, limited access does not

allow sufficient opportunity for the variety and richness of contact that is necessary to sustain complex family relationships; fathers want at least partial physical custody of their children after divorce as the only way for them to remain as "fathers," responsible for and actively committed to the well-being of their children.

The disastrous effects of divorce on the majority of non-custodial fathers, as described in the present study, is likely to continue as long as "non-custodial" status itself applies. The most pronounced impact of the loss of custody affects those fathers previously highly involved with and attached to their children; "non-custodial fatherhood", we would argue, is a contradiction in terms for these fathers: meaningful "fatherhood" involves the shouldering of a full complement of tasks, responsibilities, and privileges of the parent role, whereas "non-custodial" imposes a restriction and limitation on, or cessation of, those same functions.

As fathers suffer the effects of child absence during and after divorce, so children experience the absence of their fathers; as fathers' identities are tied to their parenting role, so children's self-images are firmly linked with their relationships with their fathers. Fathers' emotional significance to children does not diminish, despite infrequent or lost contact: "It is strikingly apparent that whether or not children maintain frequent or infrequent contact with the non-custodial parent, they consider the term 'single-parent family' a misnomer. Their self-images are firmly tied to their relationship with both parents" (Wallerstein and Kelly, 1980:307). The most stressed children have been shown to be the ones whose relationship with their now-absent father was warm and intimate before divorce: "Where the disruption occurred in what had previously been a good father-child relationship, the blow seemed an impossible one for the child to absorb" (ibid).

We now have a considerable body of evidence on which to base what is in "the best interests of the child" after divorce. The most important factors in children's post-divorce adjustment have been shown to be, for the great majority of children, the protection of continuity in their relationships with both parents, measures to provide them with comfort and appropriate understanding, and a supportive co-parental relationship between the parents. Although "children do least well when there is a lot of conflict between parents during and after the divorce...this seems to be because inter-parental conflict is very corrosive of parent-child relationships. Were these relationships maintained despite the conflict, children appear to be insulated from its negative effects" (Richards, 1989:84).

The development of nurturant father-child relationships within two-parent families is being encouraged as in children's best interests, as such relationships

create richer possibilities for children's growth and development. Such relationships after divorce, however, are actively discouraged within prevailing modes of custody and access determination and traditional post-divorce family structures. As the life cycle of a significant proportion of British and North American families is likely to include divorce, the maintenance of two sets of standards for what is in the best interests of children, one for those from two-parent families and another for children of divorce, is highly inappropriate.

Reconceptualising "the divorced family". In light of the evidence of salutary effects of shared parenting after divorce for all family members, we have presented our "case" for joint custody. The maintenance of regular, consistent, and frequent contact with both parents is critical to children's post-divorce adjustment--joint custody protects the needs and rights of children to access to both parents in a way that facilitates such contact; the greatest support for mothers after divorce has been shown to be the active support of their former spouses in sharing care; and, as we have demonstrated, fathers indicate that they want and need ongoing relationships with their children in the form of at least partial physical custody, with often serious repercussions in the absence of such relationships.

In a series of articles written from a systems theory perspective, Ahrons conceptualises joint custody in terms of a "bi-nuclear family system", to be thought of as an organic unit, a family system consisting of two interrelated households, maternal and paternal, which are the nuclei of a child's "family of orientation". Rather than "ending" a family, divorce alters the nature of family roles and relationships by initiating a process of family change: it is a "crisis of family transition resulting in structural changes in the family system" (Ahrons, 1980:437). The issue for families (and those working with families) should not be whether divorced parents should share parenting, but how they can effectively do so, within a mutually supportive and co-operative relationship. The main purpose of intervention with a family during divorce thus becomes the redefinition of family roles, relationships, and boundaries to allow the family to continue as a divorced family system; intervention should focus primarily on the clarification of boundaries "so that the spousal role does not contaminate the parental role" (ibid), on helping parents to separate their previous marital conflicts from their ongoing parental responsibilities.

"The divorced family" thus may be viewed as a dynamic and evolving institution able to take many forms, with the core of the family being not the marriage, but the parent-child bond. Such a reconceptualisation considers families to be not immutable structures, but social systems operating within many

configurations. Divorce should not lead to dissolution, but to one variant of "the family".

Reconceptualising "divorce". Difficulties experienced by family members upon divorce are not the result of divorce *per se*, but are associated with the disturbed interpersonal relationships--in particular the discontinuity in parent-child attachments--that often attend divorce. Divorce in itself should be viewed not as an indicator of pathology, but as a normal developmental stage in people's lives; not as deviant behaviour, but as a normal reaction to a severe crisis that can be dealt with as a means for achieving growth.

A positive framework for clinical intervention with divorcing and divorced families should not theoretically regard divorce from a "deviance" perspective, but should seek to "normalise" the event of divorce for family members. An essential element of "normalising" divorce, we would suggest, is the provision of a wide range of options vis-a-vis post-divorce family arrangements that ensure the maintenance of children's active relationships with both parents. Divorce is a crisis in the normal life cycle of a family that requires a rearrangement of relationships; the maintenance of continued meaningful parent-child relationships for both parents, within a mutually supportive co-parenting relationship, significantly reduces the crisis potential associated with divorce for all family members.

Traditional structures and institutional frameworks, however, continue to operate within a "deviance" perspective of divorce, contributing to predominantly negative post-divorce outcomes for family members. Such consequences have been well documented for mothers and children, and the present study has attempted to redress the imbalance in the research literature by focusing on the impact of divorce on non-custodial and disengaged fathers.

During the course of the study, our own perceptions of divorced fathers, and disengaged fathers in particular, have been significantly altered. Disengaged non-custodial fathers constitute a large but less visible group, and are much misunderstood, often discounted as uninterested in their children, as inferior caretakers, or worse. There is a paucity of empirical data about divorced and non-custodial fathers generally, but the near-absence of information about disengaged fathers, we believe, has significantly contributed to their vulnerability.

The disengagement of non-custodial fathers from the lives of their children after divorce is both a psychological and sociological phenomenon: while divorce occasions a process of grieving a loss which has deprived fathers of both an attachment figure and a role or identity, it also represents a situation where fathers are powerfully disadvantaged with respect to external mediating factors.

Ironically, the most vulnerable group of non-custodial fathers are those who were dissatisfied with the "traditional" male role and had made a commitment to active and shared parenthood within the marriage--and who are then faced with an abrupt discontinuity in their relationship with their children. The grief of such fathers is the most pronounced and remains unresolved; chronic grief is characteristic of this group, as reflected by the serious and prolonged physical and mental health problems of these men, which contributes to their loss of contact with their children.

We cannot assume, however, that fathers' roles after divorce are solely reflections of their choices. Fathers who are relatively highly involved with and attached to their children before divorce are the group most affected by structural constraints and the effects of a judicial mode of determining post-divorce arrangements for families, being caught in an effectively intractable double-bind: unable to tolerate the idea of the loss of their children, but faced with litigation, which they consider to be an essentially destructive means of preventing the loss, and in which they are given little chance of success, they retreat.

APPENDIX 1

Initial Telephone Contact - Scottish Sample

Hello, this is Edward Kruk. I'd like to tell you a bit about myself and the research project I've undertaken about separated and divorced fathers. As you know, I'm a postgraduate student in the Department of Social Policy and Social Work at the University of Edinburgh, and I'm completing a dissertation on separated and divorced fathers who do not have custody of their children.

May I ask: Are you actually separated at present? Are you legally divorced?

The present stage of my study involves contacting fathers like yourself in the Edinburgh area, and asking for their help. I'm hoping to be able to meet fathers individually for one interview with each of them about their separation/divorce. I'm hoping that you'll be able to share your feelings and experiences with me about various aspects of your separation/divorce.

Could I explain a few details about my study?

IF NO:

Thank you for your time.

IF YES:

1. First of all, your participation in my study is completely on a voluntary basis.
2. Secondly, if you do decide to participate, complete confidentiality will be respected. I will be the only person who shall ever know the names of the people who will actually participate in the study, and as soon as our interview is completed, any record of your name will be removed from the interview form. I will not be recording your name on the questionnaire itself and there will be no way of identifying you personally with any of the answers.

I'd like to tell you a bit about why I'm interested in this particular topic for study. For the past eight years I have been working as a social worker with children and families, many of whom are going through separation/divorce. During this time I came to see that we know very little about what the experience of separation/divorce

is like for the people who are actually involved. This is especially true for men, particularly when there are children involved. Very few have directly asked fathers themselves what the separation/divorce was like for them, or what some of the problems were. I'm interested in finding out more about this, and I hope that some of the information I obtain can eventually be used to make divorce less painful for the families who go through them.

I believe that you'll find that participating in the interview and further discussion about the research will be an interesting experience. I'm able to offer all participants an opportunity to reflect on their experiences as separated/divorced fathers, the chance to identify issues of particular importance to them, and the opportunity to make a unique and valuable contribution to this study, and to our collective understanding of the impact of separation/divorce on fathers. If you wish, I would be happy to then send you a summary of the results of the study upon its completion.

Do you have any questions about anything I've said?

I'd like then to ask: Would you be interested and available to meet with me for one-and-a-half to two hours at a time that would be convenient for you? I'd be happy to come to your home or work, or to some other place if you prefer, or alternately you may prefer to meet with me at the university.

IF NO:

Thank you for your time.

IF YES:

Before I arrange a time, I'd like to ask you some factual questions about yourself and your family:

1. First of all, what was the month and year of your separation from your wife?
2. How many children do you have of that marriage?
3. May I ask the age(s) of your child(ren) at present?
4. Who has the actual physical custody of your child(ren) at present?

IF MOTHER HAS CUSTODY:

5. May I ask, how many times in the past month have you been in contact with your child(ren); that is, actually physically being with him/her/them?

6. During the past three months, how many times have you been in contact with him/her/them?

7. From a practical point of view in arranging for us to meet, do you live in Edinburgh

IF FATHER MEETS ELIGIBILITY CRITERIA:

I'd like to arrange a meeting with you at your earliest convenience. When/what time/where would you like to meet with me?

Thank you very much, and I look forward to meeting with you.

APPENDIX 2

Initial Telephone Contact - Ontario Sample

Hello, my name is Edward Kruk. I'm calling you to introduce myself and a research project I've undertaken on separated and divorced fathers. I'm a postgraduate student in the Department of Social Policy and Social Work at the University of Edinburgh, and I'm completing a dissertation on separated and divorced fathers who do not have custody of their children.

I obtained your name and telephone number through court records. As an independent researcher I was able to have access to Ontario Supreme Court interim custody/divorce records, and I randomly selected close to 300 fathers like yourself as possible candidates for my study. As these records are public information and there is open access to them in Ontario, I was able to pick names at random from records dating between 1980 and 1986, noting down only the fathers' names and telephone numbers/addresses, the ages of their children, and the final custody determination that was made. I did not look for any further information, nor will I be going back to the records at any stage.

The present stage of my study involves contacting fathers such as yourself in the Metro Toronto area, and asking for their help. I'm hoping to be able to meet fathers individually for one interview with each of them about their separation/divorce. I'm hoping that you will be able to share your feelings and experiences with me, about various aspects of your separation/divorce.

Could I explain a few details about my study?

IF NO:

Thank you for your time.

IF YES:

1. First of all, I selected your name randomly and to assure the anonymity of each of the men whose names I chose, if you decide not to participate in the study I will destroy all of the identifying information I have.
2. This is completely separate from any legal proceeding. No lawyer, judge, or anyone else involved in your case will ever see any of the comments you make.

3. Your participation in my study is completely on a voluntary basis.
4. If you do decide to participate, complete confidentiality will be respected. I will be the only person who will ever know the names of the people who will actually participate in the study, and as soon as our interview is completed, any record of your name will be removed from the interview form. I will not be recording your name on the questionnaire itself and there will be no way of identifying you personally with any of the answers.

I'd like to tell you a bit about why I'm interested in this particular topic for study. For the past eight years I have been working as a social worker with children and families, many of whom are going through separation/divorce. During this time I came to see that we know very little about what the experience of separation/divorce is like for the people who are actually involved. This is especially true for men, particularly when there are children involved. Very few have directly asked fathers themselves what the separation/divorce was like for them, or what some of the problems were. I'm interested in finding out more about this, and I hope that some of the information I obtain can eventually be used to make divorce less painful for the families who go through them.

I believe that you'll find that participating in the interview and further discussion about the research will be an interesting experience. I'm able to offer all participants an opportunity to reflect on their experiences as separated/divorced fathers, the chance to identify issues of particular importance to them, and the opportunity to make a unique and valuable contribution to this study, and to our collective understanding of the impact of separation/divorce on fathers. If you wish, I would be happy to then send you a summary of the results of the study upon its completion.

Do you have any questions about anything I've said?

I'd like then to ask: Would you be interested and available to meet with me for one-and-a-half to two hours at a time that would be convenient for you? I'd be happy to come to your home or work, or to some other place if you prefer.

IF NO:

Thank you for your time.

IF YES:

Before I arrange a time, I'd like to ask you some factual questions about yourself and your family:

1. First of all, according to the court record I surveyed, you were separated on (date). Is that correct?
2. You have (number) child(ren)? Is that correct?
3. May I ask the age(s) of your child(ren) at present?
4. According to the court record, your wife has custody of your child(ren). Is that correct?
5. May I ask, how many times in the past month have you been in contact with your child(ren); that is, actually physically being with him/her/them?
6. During the past three months, how many times have you been in contact with him/her/them?
7. From a practical point of view in arranging for us to meet, do you live in Metro Toronto?

IF FATHER MEETS ELIGIBILITY CRITERIA:

I'd like to arrange a meeting with you at your earliest convenience. When/what time/where would you like to meet with me?

Thank you very much, and I look forward to meeting with you.

APPENDIX 3

The Impact of Divorce on Fathers and Children

Questionnaire

Introduction

I would like to give you some background information about the project and tell you a little about myself. I am a graduate student at the University of Edinburgh, in the PhD programme in the Department of Social Administration. My main task involves completing a research project on the impact of divorce on fathers who do not have custody of their children. Prior to coming to the University, I worked as a social worker and counselled a large number of separated and divorced families. During that time I came to see that we know very little about what the experience of divorce is like for the people who are actually going through it. This is particularly true for fathers; fathers have rarely been asked what separation and divorce was like for them, and what it has meant in terms of their relationship with their children. I am interested, then, in examining changes in the father-child relationship over time; that is, before, during and after separation and divorce. I hope that some of the information I obtain can eventually be used to make divorces less painful for the families who go through them.

I plan to meet with a total of 80 men, interviewing them by means of a set questionnaire, examining their role as a father, the separation experience itself, legal aspects, the various effects of the separation and, most importantly, the repercussions of the separation upon fathers' relationships with their children. I will not be recording your name or identifying you personally with any of the answers; all responses will be held in strict confidence.

I believe that your participation will be a valuable contribution toward increasing our collective understanding of the impact of separation and divorce on fathers, and on the nature of the father-child relationship.

I estimate that the questionnaire will take us about an hour and a half to two hours to complete. But before we begin, do you have any questions or points that you would like me to clarify?

I. I'LL BEGIN BY ASKING YOU SOME FACTUAL QUESTIONS ABOUT YOU
AND YOUR FAMILY

1. What month and year were you married?
2. Had either you or your ex-wife been married before?
If yes Which one of you?
3. What month and year did you last separate?
4. Are you presently divorced?
If yes What month and year did you obtain your divorce?
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5. Are you now remarried?
If yes What month and year did you remarry?
6. With whom do you live at present?
7. Are there any children living on a permanent basis in your
present household?
If yes Who are they?
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8. Could you tell me the names and ages of the children of your marriage?
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9. What is your own age?
10. What is your ex-wife's age?
11. Are you in paid employment at present?
If yes What kind of work do you do?
How many hours do you work each week?
What is your present gross income, including any overtime?
.....
If no What kind of work do you normally do?
Do you receive any state benefits?
If yes What type?

12. Is your ex-wife in paid employment?
- If yes What kind of work does she do?
- How many hours does she work each week?
- What is her present income, including any overtime?
.....
- If no What kind of work does she normally do?
- Does she receive any state benefits?
- If yes What type?

II. I'D LIKE TO LOOK MORE SPECIFICALLY AT YOUR ROLE AS A FATHER BEFORE THE SEPARATION

13. Briefly, what were your own personal reasons for having children?
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14. When your child(ren) was/were (an) infant(s), about one year old, what percentage of the time would you say you did the following activities?
- (a) Change nappies/diapers
 - (b) Feed the baby
 - (c) Bath the baby
 - (d) Take the baby out for a walk
 - (e) Prepare the baby's meals
 - (f) Lull the baby to sleep
 - (g) Play with the baby
 - (h) Take the baby to the doctor and look after him/her when he/she was ill
.....

15. In the year before the separation, what percentage of the time would you say you did the following activities?
- (a) Repairing things around the house
 - (b) Shopping
 - (c) Earning money
 - (d) Cooking meals for the family
 - (e) Keeping track of money and paying bills
 - (f) Cleaning the house
 - (g) Taking out the rubbish
 - (h) Laundry and ironing
16. In the year before the separation, did you regularly spend time alone with your child(ren)?
- If yes How many hours, in an average week?
17. In the year before the separation, did you regularly spend time with your child(ren) with others?
- If yes How many hours, in an average week?
18. Which of the following gave you the most satisfaction in your life while you were married? ...
- Which gave you the next great satisfaction? ...
- (a) Career or occupation
 - (b) Family relationships and activities
 - (c) Leisure time and recreational activities not involving the children
 - (d) Religious beliefs and activities
 - (e) Participating as a citizen in the affairs of the community
 - (f) Running the household
 - (g) Child-rearing
 - (h) Other (specify)
.....

19. In the year before the separation, how often would you find yourself doing each of the following?

- (a) Thinking about your child(ren) when not with him/her/them, and wondering what he/she/they was/were doing
- (b) Wanting to be with your child(ren) when not with him/her/them
- (c) Comforting your child(ren) when he/she/they was/were ill, and reassuring him/her/them when in distress
- (d) Talking with your child(ren) about feelings

Very often	Often	Sometimes	Hardly ever	Never
1	2	3	4	5

20. How strongly would you say you were emotionally attached to your (older/younger) child?

Very strongly attached	Strongly attached	Moderately attached	Minimally attached	Not attached
1	2	3	4	5

21. Some men report feeling uncomfortable doing certain things for or with their children which they feel are unmanly. Are there any things that make you feel this way?

If yes What things make you feel this way?

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.....

22. Would you say that there is a fundamental difference in roles between the father and the mother in the family?

If yes What would you say are the major differences?

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.....

23. Before the separation, what would you say was your greatest strength as a parent?

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24. Before the separation, what would you say was your wife's greatest strength as a parent?

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25. Before the separation, what would you say was your greatest weakness as a parent?

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26. Before the separation, what would you say was your wife's greatest weakness as a parent?

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27. Briefly, what does the term "fathering" mean to you?

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28. What does the term "mothering" mean to you?

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29. What does "family life" mean to you?

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III. THE NEXT GROUP OF QUESTIONS IS ABOUT THE SEPARATION ITSELF

30. Who made the decision to separate?
- If husband Do you think your wife wanted a separation?
- If wife Did you want a separation?
31. If divorced Who petitioned for the divorce?
- If husband Do you think your wife
 wanted a divorce?
- If wife Did you want a divorce?
32. How many separations have occurred in total?
33. Did either of you make attempts to get back together after
 the (first) separation?
- If yes Who tried?
34. Was there a particular event or crisis that led to the
 separation, or would you say it was more of a slow
 build-up?
- If crisis Can you identify the particular event?

35. What do you believe contributed to you and your wife
 separating - the main reasons, as you see them, why the
 marriage broke up?

36. How do you think your ex-wife would answer this question?

37. What would you say were the greatest frustrations or conflicts in your life while you were married?

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38. How do you think your ex-wife would answer this question?

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39. What was the general atmosphere between you and your wife at the time of the separation?

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.....

40. At the time of the separation, was there any disagreement between you and your wife over any of the following?

- (a) Custody; that is, legal responsibility and authority over your child(ren)
- (b) Access; that is, to visit, or have your child(ren) stay with you
- (c) Property settlement
- (d) Support payments or alimnt

41. At the time of separation, did you want your child(ren) to live with you at least part of the time?

If yes Did you do anything toward this goal?

If yes What did you do?

.....

.....

If no

What prevented you from doing anything?

.....

If no

Did you want to visit your child(ren) on a regular basis?

If yes Did you do anything toward this goal?

If yes What did you do?

.....

If no What prevented you from doing anything?

.....

42. How did you think the separation would affect your child(ren)?

.....

43. Did either you or your wife talk with your child(ren) about the separation at the time it was happening?

If yes Who talked with him/her/them?

What was/were he/she/they told?

.....

What was/were your child(ren)'s feelings about the separation at that time?

.....

IV. I'D NOW LIKE TO ASK YOU ABOUT SOME OF THE LEGAL ASPECTS OF THE SEPARATION (AND DIVORCE)

44. Since the time of the separation until now, did you consult a solicitor/lawyer for help or advice?

If yes Do you feel that in your case solicitors/ lawyers have helped or hindered your relationship with your child(ren)?

In what ways?
.....
.....
.....

45. Since the time of the separation until now, did your wife consult a solicitor/lawyer for help or advice?

If yes How much of an influence do you think he/she had on your wife's subsequent course of action?
.....

46. In regard to custody arrangements, or legal responsibility for the physical care and control of your child(ren), what was the nature of your solicitor's/lawyer's advice?
.....
.....

47. Did your solicitor/lawyer encourage you to seek custody?

If yes By what means?

If no Did he/she dissuade you from seeking custody?

If yes How did he/she dissuade you?
.....

48. In regard to access or visiting arrangements with your child(ren), what was the nature of your solicitor's/lawyer's advice?
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49. Did your solicitor/lawyer encourage you to seek access?

If yes By what means?

If no Did he/she dissuade you from seeking access?

If yes How did he/she dissuade you?

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50. Do you know the nature of your wife's solicitor's/lawyer's advice in relation to custody and access?

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51. Was there a court hearing in relation to custody or access?

If yes Were you satisfied with the fairness of the hearing?

If no Why not?

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52. Was there a legal custody arrangement made?

If yes What is your child(ren)'s legal custody arrangement?

How was custody decided?

(a) Mutually between father and mother

(b) Negotiated via lawyers

(c) By court action

(d) Other (specify)

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What custody arrangement had you wanted?

Are you satisfied with the present legal custody arrangement?

If no Why not?

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53. What is your child(ren)'s actual living arrangement
at present?
54. Are you satisfied with the present living arrangement?
If no Why not?
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55. Was there a legal access arrangement made?
If yes What is the legal access arrangement?
How was access decided?
(a) Mutually between father and mother
(b) Negotiated via lawyers
(c) By court action
(d) Other (specify)
.....
What access arrangement had you wanted?
Are you satisfied with the present legal
access arrangement?
If no Why not?
.....
.....
56. Was there a legal arrangement made regarding property,
aliment and/or support payments?
If yes What is the legal arrangement?
How was this arrangement decided?
(a) Mutually between father and mother
(b) Negotiated via lawyers
(c) By court action
(d) Other (specify)
.....

What arrangement had you wanted?

Are you satisfied with the present arrangement?

If no Why not?

.....

57. In regard to custody and access, do you think that the legal system is the most appropriate place to determine what arrangements are most suitable for children?

If no Why not?

.....

58. At the time of the separation, did you turn to anybody else outside of the legal system for help or advice?

If yes Who did you turn to for help?
 (prompt: marriage guidance, minister or priest,
 medical practitioner, psychiatrist,
 social worker, friend or relative, workmate,
 employer)

What kind of help or advice was offered?

In what ways do you think they have helped or hindered your relationship with your child(ren)?

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59. What kind of help would you have found useful at the time of separation that you did not have, if any?

60. Conciliation services are now available in Edinburgh/Toronto, where separating and divorcing couples are able to negotiate face-to-face, ideally with the help of an impartial third party, any disagreements regarding custody or access, rather than bringing them to court. Were you aware of conciliation counselling at the time of the separation?

If yes Did you make use of the conciliation service?

If yes In what ways do you think conciliation helped or hindered your relationship with your child(ren)?

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How did you come to hear about the service?

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If no Do you think it would have helped your relationship with your child(ren) after separation if you had made use of this service?

If yes In what ways do you think it would have helped?

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61. The notion of mothers and fathers jointly sharing the care of their children after separation is receiving increasing attention these days. With shared parenting, both parents share the tasks and responsibilities involved in bringing up children while living apart. Were you aware of shared parenting as an option at the time of the separation?

If yes Where did you hear about it?

If no Would you have considered such an arrangement for yourself if you had known about it?

Do you think your wife would have considered such an arrangement if she had known about it?

62. Were you told about the alternative of joint custody by your solicitor/lawyer?

If yes Did he/she encourage or dissuade you from pursuing joint custody?

V. THE NEXT FEW QUESTIONS ARE ABOUT THE TIME AFTER YOUR (LAST) SEPARATION

63. How often and for how long have you had contact with your child(ren) since the separation?

64. How many times in the past month have you been in contact with them; that is, actually physically being with them?

If disengaged What do you think are the main reasons why you do not visit?

65. Is the present arrangement about right or would you wish to spend more or less time with your child(ren)?

A lot more	Some more	About right	A little less	A lot less
1	2	3	4	5

66. What kind of accommodation do you now live in?

- (a) Owner occupied
- (b) Private rented
- (c) Subsidized
- (d) Other (specify)

67. How many rooms are there in your present accommodation, excluding the kitchen and bathroom?

68. Is the space in your present accommodation large enough for your child(ren) to live?

If no Is there room enough for your child(ren) to visit?

69. How far away do(es) your child(ren) now live?

70. Is distance or transportation a problem for seeing your child(ren)?

If yes How is it a problem?
.....

71. Are finances a problem in seeing your child(ren)?

If yes How are they a problem?
.....

72. Is work schedule a problem in seeing or looking after your child(ren)?

If yes How is it a problem?
.....

73. Since the separation, what has been the general atmosphere between you and your ex-wife; that is, what are her main feelings toward you?
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.....
.....

74. How would you describe your main feelings toward her?
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.....

75. At present, how friendly are your contacts with your ex-wife concerning your child(ren)?

Very friendly	Fairly friendly	Middling	Fairly unfriendly	Very unfriendly	Non-existent
1	2	3	4	5	6

76. Since the separation, has your ex-wife encouraged or discouraged your being with your child(ren)?

If discouraged In what ways has she discouraged your contact with him/her/them?

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77. What do you think is your ex-wife's perception of your parenting abilities and generally of your role as a father?

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78. How do you feel about your parenting abilities now, as compared to before the separation?

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79. What do you think are the effects, if any, of fathers visiting their children, as opposed to living with them, after separation and divorce, upon their children?

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80. What do you think are the effects, if any, of fathers visiting their children, as opposed to living with them, after separation and divorce, upon the fathers themselves?

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81. In what ways, if any, has your absence affected your child(ren)?
(probe: what are your feelings and concerns regarding
your child(ren)?)

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82. In what ways, if any, does your child(ren)'s absence affect you?
(probe: how are you feeling about being separated from
your child(ren)?)

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VI. I'D LIKE TO EXPLORE IN FURTHER DETAIL THE EFFECTS OF THE SEPARATION
UPON YOURSELF

83. Have you been physically ill or had physical health problems
since the separation, that you didn't have before, as a
result of the separation?

If yes What kind of problems have you had?

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.....
.....

84. Have you been mentally ill or had mental health problems
since the separation, that you didn't have before, as a
result of the separation?

If yes What kind of problems have you had?

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.....

85. What effects, if any, do you think the separation has had on your work or career?

Very good effects	Good effects	None	Serious effects	Very serious effects
1	2	3	4	5

If serious effects Were these due to any of the following?

- (a) Changes in your own health
- (b) Changes in living arrangements
- (c) Need to devote more time to your child(ren)

VII. I WOULD NOW LIKE YOU TO LOOK BACK TO SOME OF THE DIFFERENT WAYS YOU MAY HAVE CONTRIBUTED TO THE LIFE OF YOUR CHILD(REN) BEFORE THE SEPARATION, AND TO COMPARE THIS WITH THE TIME AFTER THE SEPARATION. NOT ALL FATHERS PLAY THE SAME ROLE WITH THEIR CHILDREN, SO I WILL BE GOING THROUGH A WIDE RANGE OF POSSIBLE AREAS IN WHICH FATHERS COULD AFFECT THE LIVES OF THEIR CHILDREN

86. In the routine daily care and safety of your child(ren) (things like grooming, bedtime, and activity schedule) how much influence do you think you had before the separation, and how much influence do you feel you have in this area now?

Very high	High	Medium	Low	Very low	No influence
1	2	3	4	5	6

If change How do you feel about this change?

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87. How much influence before and after separation have you had on your child(ren)'s intellectual development (things like reading, homework, schooling, and career choice)?

If change How do you feel about this change?

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88. How much of an influence before and after separation have you had on your child(ren)'s physical development (things like sports and interest in one's body)?

If change How do you feel about this change?

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89. How much of an influence before and after separation have you had on your child(ren)'s personality development (specific traits and characteristics)?

If change How do you feel about this change?
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90. How much of an influence before and after separation have you had in teaching your child(ren) how to behave (things like discipline, manners, and chores and responsibilities)?

If change How do you feel about this change?
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91. How much of an influence before and after separation have you had on your child(ren)'s emotional development (things like overcoming fears and discussing feelings)?

If change How do you feel about this change?
.....
.....

92. How much of an influence before and after separation have you had on your child(ren)'s religious development (things like prayers and religious beliefs)?

If change How do you feel about this change?
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93. How much of an influence before and after separation have you had on your child(ren)'s moral or ethical development (things like the importance of telling the truth and not to steal)?

If change How do you feel about this change?
.....
.....

94. How much of an influence before and after separation have you had on giving your child(ren) a feeling of being part of a family (things like discussing relationships within the family and attending family gatherings)?

If change How do you feel about this change?
.....
.....

95. How much of an influence before and after separation have you had on your child(ren)'s financial affairs (things like allowance, making minor and major financial decisions affecting your child(ren)'s life/lives)?

If change How do you feel about this change?

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VIII. FINALLY, I WOULD LIKE TO ASK YOU SOME GENERAL QUESTIONS REGARDING YOUR RELATIONSHIP WITH YOUR CHILD(REN) AFTER THE SEPARATION (AND DIVORCE)

96. In general, what have you found to be the most difficult or troublesome aspects of your relationship with your child(ren) following the separation?

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97. What, if any, have been the positive aspects of your relationship with your child(ren) following the separation?

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98. Is there anything else you feel it is important for us to understand about separated and divorced fathers, and their relationship with their children, that has not been touched upon in our discussion today?

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